THE FIRST DIVORCE OF HENRY VIII

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THE FIRST DIVORCE

OF

HENRY VIII.

AS TOLD IN THE STATE PAPERS.

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BY

MRS. HOPE

AUTHOR OF "THE EARLY MARTYRS," "LIFE OF S. THOMAS OF CANTERBURY," "THE CONVERSION OF THE TEUTONIC RACES," ETC.

EDITED, WITH NOTES AND INTRODUCTION

BY

FRANCIS AIDAN GASQUET, D.D., O.S.B.

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INTRODUCTION

A FEW words are required to explain the origin of the present volume. The labour of gathering the materials from the various published collections of State Papers and other contemporary documents, as well as the toil implied in putting them together into a connected narrative, occupied the last few years of Mrs. Hope's life. The literary works of this talented and conscientious writer, who died on February the 12th, 1887, are too well known to make a lengthy introduction necessary. It is unfortunate that she did not live to complete this her latest, and in many respects most important, contribution to popular historical literature. The delicate state of her health during a long period, and particularly failing eyesight during the later years of her life, compelled her gradually to restrict the range of her studies and to compose by dictation to an amanuensis, especially in the case of the present work. There is reason to suppose that she had contemplated a more extensive history of the

ecclesiastical changes in England in the sixteenth century. Of this, had she ever lived to complete it, the episode detailed in the following pages would have formed only a small portion. With this intention the present study was prefaced by a somewhat elaborate "Introduction," which, however suitable for the history designed, is now altogether out of place. It has consequently been omitted altogether.

The character of Mrs. Hope's previous works makes it certain that the MS. of the present volume had not received its final revision at her hands. Consequently, when requested by her son, Sir Theodore Hope, to undertake the editing of the work, my first care was thoroughly to revise it and to examine and verify every statement by reference to the authority quoted. Besides this, on reflection I have thought it well to add notes giving some indication of the nature and dates of the documents cited. Speaking generally, therefore, the notes throughout the volume may be regarded as mine. This will explain why in one or two cases the note may appear to modify the text. In the very few instances in which I have had no doubt whatever that Mrs. Hope had been mistaken in her reading of a statement, or had made too wide an inference from a fact, I have not hesitated to make the necessary verbal change in the text, feeling sure that

she would have done the same had she lived to pass the sheets of the book through the press herself. In other respects, except for necessary corrections, and other slight matters of a purely technical kind, this study appears as Mrs. Hope left it.

The chief merit of the work is that it tells the plain, unvarnished story of Henry's Divorce from Katherine, disentangled from the various other events and courses of action, foreign and domestic, of the period, by which the marriage question is generally obscured. It relies entirely upon the original documents as published in the various calendars of State Papers and other contemporary authorities, and the reader may see at once upon what ground any given statement is made. It is true that, taken as a whole, this tale of intrigues and negotiations and delays reads more like the recital of a feverish dream than sober history. The crisis, always imminent, seems never to advance, and to those unacquainted with Tudor methods, the story may well appear incredible. In reality, however, it states fairly, and without embellishment, the devious paths by which Henry VIII. attained his end at last, and divorced his first wife Katherine in order to marry Anne Boleyn.

In saying that Mrs. Hope's study is a full and accurate account of this strange episode in our national history, a slight reservation must be made

in regard to Chapter XIX. Although leaving the text as she had written it, I feel that it would be impossible to allow the book to appear without some correction of her view as to the action of Convocation in the matter of the Royal Headship, and incidentally as to the part taken by Bishop Fisher in the discussions. The account given in the text certainly corresponds to the loose impression which generally prevails on the subject. The difficulty has come about from the natural tendency of people to view critical episodes in the light of the broad eventual result. Indeed, no task is more difficult for the historian than to enter into the thoughts and feelings of those who stood unwittingly at the verge of a revolution which to them was not merely sudden and unexpected, but which must have been inconceivable. It is no easy matter to estimate the force and weigh the intention of particular words or actions as events progress towards a crisis.

There is in practice another difficulty in the way of arriving at the truth—a difficulty easily remediable indeed, but commonly neglected—namely, a failure properly to probe and understand the terms of original documents. A good illustration of this failing is to be found in Chapter XIX. of this present work, where the author, quite excusably, and following most writers on the subject,

states that Henry agreed to accept the fine to be paid for their *præmunire* by Convocation "only on condition that in the preamble of the bill, clauses acknowledging him as sole Supreme Head of the Church and clergy of England, and giving him absolute spiritual jurisdiction and legislative power, should be inserted" (pp. 209, 210).[1]

This unquestionably represents the idea current on the matter, but even in the clauses originally proposed by the royal agents the grant of "legislative power" is not so much as mentioned, and the idea of any spiritual jurisdiction in the King is involved rather than expressed. It is necessary perhaps, in order to understand the situation, to enter somewhat at length into the question of the alterations which the King wished to have made in the preamble of the clerical composition, granted by Convocation for the *præmunire*. Henry required the document to be revised in five places, and additions to be made to it. The first related to the insertion of the title of "Supreme Head;" the second was an express acknowledgment that the King had protected the clergy from the efforts of the "New Gospellers" to lay violent hands on their possessions, and so had enabled them to minister to God in peace "in the cure of the souls committed to His Majesty" (*ut curæ*

[1] There occur in the book a few other expressions depending on this view which have also been left unaltered.

animarum ejus majestati commissæ et populo sibi commisso debite inservire possimus); the third contained a statement that the King had confirmed and defended the privileges and liberties of the Church, "which do not detract from his royal power and the laws of the kingdom;" the fourth is a declaration that the King had granted them a general pardon for all transgressions of the penal laws and statutes of the kingdom, with express mention of the *præmunire*, in as ample a manner as he had granted to all his subjects; and the fifth proposed that the whole body of the laity should be responsible for this fine of the clergy.

It must be understood that these so-called clauses submitted by the King to Convocation have in themselves as entered in its acts no meaning whatever. Their force is only to be recognised in a comparison with the actual grant subsequently passed by the clergy. From this it is clear that it was not merely the first proposed clause which was the subject of dispute between the Convocation and the royal agents; although it is only in regard to the first, that relating to the title "Supreme Head," that a history of the changes it went through survives. It is quite evident that the other clauses had each a history too. The second clause, as drafted by the King's agents, contained an evident admission that the cure of souls was committed to his majesty, but

as passed by Convocation this was distinctly guarded against. In its final form it read: that we may be able to serve in the cure of the souls "of the *nation* committed to his majesty" (*populi ejus majestati commissi*). The third proposed insertion about the King's confirmation of the privileges and liberties not repugnant to the royal power was evidently rejected, and the fourth appears in a modified form, which, however, does not seem to a non-legal mind to touch the substance. Lastly, the fifth proposed insertion as to the liability of the laity was restricted to those persons only in whose hands the property of vacant bishoprics and benefices should happen to be.

It is quite evident that every word of these insertions as proposed and adopted had been weighed with the greatest care that could be given them by the most skilled jurists and theologians. The very number of the sessions, apparently some two and thirty, that were required to discuss the proposals, is a sufficient evidence of the consideration given to them. The changes in the proposed insertions made by the clergy, moreover, throw considerable light on the sense in which the clause relating to the King's Supreme Headship, and the only one to which attention is generally directed, was accepted by the Convocation. A common impression seems to prevail that this insertion was intended as a formal acknowledgment of the King's ecclesiastical supre-

macy, as stated in Mrs. Hope's pages. So far, however, from this being the case, the Acts of Convocation make it clear that the so-called clause has by itself no sense whatever. It reads, "of the English Church and clergy, whose Protector and Supreme Head he alone is." In fact, it was never intended for any other purpose but for insertion in the current text of the grant of Convocation, with the design, of course, to serve ulterior purposes. What these were is made perfectly clear by the second proposed parenthesis, which states (also *obiter*) that the care of souls was committed to his majesty, and implies that jurisdiction over them was granted to the clergy by the crown. So far, however, from accepting this view of the situation, the English clergy in Convocation expressly put it aside, reserving to themselves the care of souls, and simply stating in general terms that the *people* were committed to charge of his majesty—a perfectly innocuous proposition.

With the light thus thrown on the question by the action of Convocation, we are in a position to deal with the first clause, which has been so largely discussed, and seems to have engrossed attention. The desire of the King's advisers, of course, cannot be doubtful; but the use of the word *Protector*, in concert with the title of "Supreme Head," gives to the insertion, even as proposed by Henry, a less

absolute sense than is commonly supposed. Of its danger in these times there can be no doubt, and it is hardly open to question, that Convocation recognised the danger. Still during Catholic ages, the Sovereign was acknowleged as the Protector—the *advocatus*—of the Church in his country, just as the Emperor was regarded in Christendom as the special defender of the Church of Rome. It was to Henry that the English bishops and clergy of that day must look in the last resort for protection against the introduction of heresy, and for maintenance in their temporalities, even as their predecessors had looked to his predecessors.[1]

In the present case the *Supremum Caput* undoubtedly gave a dangerous gloss to the "Protectorate," whilst there is little question that the craft of Cromwell relied upon the insertion of this perfectly legal and well-recognised term to facilitate the acceptance of the "Supreme Head."

From the form in which the bishops allowed this parenthesis it is quite clear that they perfectly well saw the embarrassment prepared for them, and that they were as ready to admit the large and legitimate powers of the sovereign, in a kingdom where the clergy were so highly privileged, as they were resolved not to allow that the cure of souls, and so by inference spiritual jurisdiction, in any way per-

[1] Cf. Wilkins, *Concilia*, iii. p. 252.

tained to him. In view, then, of the King's attempt to obtain indirectly from the English clergy a recognition of his spiritual headship, and of the care taken to avoid the admission, even when the demand was made with the royal hand upon their throats, the sense in which the clergy in Convocation accepted the *Supremum Caput* must be taken as expressly excluding the notion of any royal spiritual jurisdiction.

That this was so is rendered certain from subsequent history; but in view of all that has been written upon the subject of the Supreme Headship, it is now somewhat difficult to realise that the bishops and clergy took for granted that such a title had reference merely to temporal matters, and was not to be twisted in "derogation of the Roman Pontiff or the Apostolic See."[1] Yet this undoubtedly was the case, and the very last act of Warham's life was to draft an elaborate exposition to be delivered in the House of Lords of the impossibility, from the very constitution of the Church of Christ, of the King having spiritual jurisdiction, and claiming that this of right pertained to the Pope of Rome.

The clearness of later definitions and the exigencies of later polemics, to say nothing of the difficulty experienced in the past of obtaining access

[1] Wilkins, *Concilia*, iii. p. 746 (Protest of Warham).

to real sources of information, have, indeed, all conspired to obscure the motives and meanings of those who were the leading spirits in the Convocation of 1531. Still, practically, however carefully from a theological point of view Convocation may have guarded themselves and as fully as was possible in the days when royal power was so absolute, there can be no hesitation in allowing the force of the comment of the imperial ambassador Chapuys on what had been done, that such reservations would not hold good against Henry's wilfulness. As a diplomatist whose business it was to look keenly to the play of forces and to gauge the ultimate results likely to spring from any course of action, he saw perfectly well that if the situation—that is, the great question of the King's divorce—became aggravated, and Henry failed to obtain the accomplishment of his desires, it would quickly result in men having to make their choice between their heads and their conscience.

As regards the clause itself, each party, the King and the bishops, were playing a game of words. In Henry's royal hands was all the power, but he was not yet prepared to deal with the Church by methods of brute force. On the whole, theoretically, the bishops were successful in baffling him; but the value of their victory entirely depended on the turn of events in regard to the divorce. If that could

have been settled to the King's satisfaction, it is probable that the supreme spiritual jurisdiction of the crown would have been heard of no more. But in the contrary event, as really happened, the time soon came when mere theological parrying, and verbal niceties to avoid compromising admissions, were useless.

As regards the action of Bishop Fisher in the Convocation, the account given by Mrs. Hope is taken from the Roman edition of Sanders' *Schism.* It is an interpolation of the Roman editor, and it is in contradiction to contemporary records, which represent the Bishop as opposing the clause containing the title of "Supreme Head," and only at last yielding a reluctant consent. Since the publication of the admirable work on the life of Blessed John Fisher by the Bollandist Father Van Ortroy, which seems to have attracted very little attention in England, there can be no doubt that the account given in Mrs. Hope's text cannot be relied upon at all. The attitude of the Bishop of Rochester to the entire question of the Royal Headship was one of opposition, and he alone of all the bishops was found, when the final test came to be applied, to be willing to sacrifice his life for his conscience.

With the exception of these two points, treated of here at some length, Mrs. Hope's work is a clear and straightforward account of the divorce of Henry VIII.

from his first wife—an episode in English history fraught with such great consequences to the Church and State. My belief is, that it gives the story, as found in the State papers, in a way that no other book has yet done, and it may be now left to tell its own tale.

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DIVORCE

OF

KATHERINE OF ARAGON.

CHAPTER I.

KATHERINE OF ARAGON.

KATHERINE, the first wife of Henry VIII., was the fourth daughter of Ferdinand, King of Aragon, and Isabella, Queen of Castille. Her birth, which took place on the 16th of December 1483, happened at a critical period both in the history of the Church and in that of her native land. More than seven centuries previously, the Moors had conquered Spain and had either killed or enslaved the Christian population. A small band of Christians alone escaped to the mountains of Asturias, where, round an altar of Our Lady, they made a heroic stand. In course of time other fugitives joined them, and as their numbers increased, they sallied forth under the banner of the Cross, and, by supernatural deeds of valour, had gradually reconquered foot by foot their native land. This

long crusade of seven centuries was, at the time of Katherine's birth, drawing to a close. The kingdom of Granada alone remained in the hands of the Moors, and to its conquest Ferdinand and Isabella had vowed themselves. The King led their joint armies in person, while the Queen with her ladies and young children followed the host, sharing its hardships, ministering to its wants, and encouraging those around her by her spirit and piety. She was at Alcalà-de-Henares, on her way from the army to spend Christmas at Toledo, when Katherine was born unexpectedly.

Katherine's childhood was spent in the camp before Granada, and lessons of faith, courage, and fortitude were daily impressed upon her by the heroism she beheld around her. On the 2nd of January 1492, the city was taken and the Cross planted in triumph on the Alhambra. Henceforth Granada was Katherine's home. She had inherited from her mother warmth of affection, simple piety, and great strength of character. She was trained in habits of obedience, humility, self-denial, and charity to all around her. Her mind was carefully cultivated. Like so many eminent women of the time, she could speak and write Latin fluently, she knew several modern languages, and was besides well versed in all the learning and accomplishments of the age.

When Katherine was hardly more than four years of age, Henry VII. of England asked her in marriage for his eldest son Arthur, then only twenty months old. Her parents consented, but without then entering into any binding engagement. Henry was proud of his beautiful boy, and showed him with delight to the Spanish ambassadors. First they saw him exquisitely dressed; then he was stripped, that they might admire his well-made form and fair skin. Finally they were taken to gaze on him whilst he was asleep. The Spanish envoys were so charmed with his beauty that they wrote to their sovereigns, saying that "whatever praise or flattery could be spoken or written, would in his case be only the truth."[1]

Henry was very anxious to secure by this marriage an alliance with Spain, which would tend greatly to strengthen his throne, and he proposed that Katherine should be sent to England to be educated. The English were at that time looked on almost as barbarians by the more civilised

[1] Bergenroth, *Calendar of Letters, Despatches, and State Papers (England and Spain), preserved in the archives at Simancas and elsewhere*, vol. i. p. 11. (De Puebla to Ferdinand and Isabella, July 15, 1488.) De Puebla was a doctor of civil law, and was first sent into England, together with Juan de Sepulveda, to negotiate the marriage of Katherine and Arthur. He returned in 1494 to England, as Spanish ambassador in ordinary.

nations of Europe,[1] and the Spanish ambassador, when this proposal was mooted, wrote, that though on the one hand the manners and customs in England made it very undesirable that the Princess should come there till she was grown up, yet, on the other, her only chance of happiness in her future life lay in her coming while she was so young that she could neither remember nor value the superior civilisation of Spanish society.[2] But Isabella was too good a mother to entrust her daughter's education to any one not under her own eye. In the course of the negotiations Henry's wife and mother suggested that Katherine should always speak French with her sister-in-law Margaret of Austria, who was then in Spain, because English ladies did not understand Latin, much less Spanish. The ambassador of Spain also advised that she should be accustomed to drink wine, because the water in England was not drinkable; and even were it so, the climate did not allow of its being drunk.[3]

[1] Rawdon Brown, *Calendar of Venetian State Papers*, vol. ii. p. 400. (F. Chieregato, Apostolic Nuncio in England, to Isabella d'Este, Marchioness of Mantua, July 10, 1517.) The writer, although implying that there are some who regard the English as barbarians, recounts the real splendour of the English court, and of the entertainments generally, and declares that those who so call this nation barbarous "render themselves such."

[2] Bergenroth, *ut sup.*, p. 178. (The ambassador, Don Pedro de Ayala, to Ferdinand, July 25, 1498.)

[3] Ibid., p. 158. (De Puebla to Ferdinand, July 17, 1498.)

On Whit Sunday, May 19, 1499, Katherine was formally betrothed to Prince Arthur by proxy at Bewdley, in the diocese of Hereford.[1] But as the Prince was not yet fourteen, and as the ecclesiastical law did not consider as binding any vow taken before that age, they were betrothed a second time at Ludlow Castle, in Shropshire, on the 22nd of November 1501.[2]

All England was now in a ferment of preparation for Katherine's arrival, and for the magnificent ceremony and sumptuous feasting, with which the marriage was to be celebrated. The King, the Queen, the King's mother, and the young Prince Arthur were occupied by thoughts of the approaching event. Henry wished Katherine to come

[1] Bergenroth, *ut sup.*, p. 209. Prince Arthur was present in person, and Dr. De Puebla represented Katherine, with full power to act as proxy, and contract an indissoluble marriage. The marriage treaty, made three years previously, had provided that when Arthur had completed his twelfth year, the parents might, if they pleased, apply for a dispensation from the Pope on account of age. This dispensation was obtained, and Ferdinand communicated the fact that "the bull dispensing with the age of the Prince and Princess" had reached Spain to De Puebla in a letter dated July 24, 1498 (ibid., p. 168).

[2] Ibid., p. 340. (Ferdinand to De Puebla, July 25, 1500.) Ferdinand says that he has no "doubt that the marriage which was contracted with the dispensation of the Pope *par verba de præsenti*, is valid and binding." Still he agrees that the ceremony should be performed again when the two meet, not that the union would "be rendered more indissoluble thereby," but "in honour of the Sacrament of marriage." Henry VII. did not, however, wait for the coming of the Princess to England; but on November 22, 1500, caused the betrothal by proxy to be repeated (cf. ibid., p. 257. Queen Isabella to Henry VII., April 8, 1501).

over to England at once, notwithstanding the season. But delays in the conclusion of the marriage treaty, and other unexpected causes, made it impossible for her to embark at Coruña on the north coast of Spain, before the 10th of August of the following year, A.D. 1501. For nearly four weeks she was tossed about by storms on the Bay of Biscay, and was at last obliged to land at Larendo, near Bilbao. She re-embarked on Monday the 27th of September, but again encountered a violent storm. Her attendants were in great alarm for their safety, and the Princess herself was terrified by what seemed to her a warning from God to keep her from the land of strangers, where sorrow awaited her.[1] Happily, however, the wind at length proved favourable and the dismal forebodings of the party vanished, as they sailed into Plymouth haven on Saturday, October 2, 1501.

Daylight was waning when Katherine landed; still she and her numerous suite of bishops, priests, lords, and ladies, with their retinue of servants, went at once in solemn procession to the church of St. Andrew to sing a *Te Deum*, in thanksgiving for their safe arrival. For six weeks a sharp look out had been kept for her, at every headland and seaport on the English coast as far north as Bristol,

[1] Polydore Vergil, *Anglicæ Hist.*, lib. xxvi. (ed. Basle, 1555), p. 612.

on the chance of the vessel being driven out of its course.[1] The news of her arrival quickly spread far and near. Bonfires blazed on every hill. Nobles and gentry hurried to offer their services, and crowds of yeomen and peasants flocked to gaze on their future queen. So hearty was the burst of English welcome that one of Katherine's attendants wrote to Queen Isabella that "she could not have been received with greater rejoicings if she had been the Saviour of the world."[2]

The same glad greeting met her everywhere on the journey across England. But her progress was long and weary, and it was not till the 4th of November that Henry prepared to leave Richmond, and Prince Arthur from Windsor to join her. Even after that the meeting was delayed for three days in consequence of the bad roads and the rainy weather. When at length, on the morning of the 7th of November 1501, Henry and the young prince approached Dogmersfield, where Katherine had just arrived, they were met by the principal nobles and prelates of her suite, who told them that the Spanish sovereigns had strictly forbidden them to allow the Princess to see or speak to either the English king or prince before the marriage was to

[1] Bergenroth, *ut sup.*, p. 255. A secretary of Henry VII. to Spain.

[2] Ibid., p. 262. (Letter to Queen Isabella, October 4, 1501.)

be solemnised. Henry, however, answered in an imperious tone that when the Princess had once entered England, their duty to their sovereigns was ended, and that henceforth she must obey the King of England. Then, bidding the Prince follow at leisure, he put spurs to his horse and galloped on to Dogmersfield.

On reaching the house where Katherine was staying, he demanded peremptorily to see her at once. Her dismayed attendants made various excuses, saying at last that she was resting after her journey. To this Henry replied, "Even if she be in bed, I will see and speak to her, for this is my will and the sole object of my coming." Further resistance being useless, Katherine got up from her couch and met Henry in the third, or outer, room of the suite she occupied. He could not but be charmed with her beauty, grace, and modest demeanour.[1] They exchanged fitting compliments, and after a few minutes' conversation he left her and went to his own apartment. Half an hour later Prince Arthur arrived, and was taken by his father to be introduced to his future bride. The stately stiffness of Spanish etiquette was now somewhat relaxed, and Katherine received them in the second room of her suite. Both the young people naturally

[1] Bergenroth, *ut sup.*, p. 264. (Henry VII. to Ferdinand, Nov. 28, 1501.)

felt shy at this their first meeting, and being obliged to speak to each other through the bishops as interpreters, they found in this an additional reason for awkwardness. But Katherine, having been carefully trained in court manners, made a pretty speech, while Arthur, boy like, only asked her some questions about dogs and birds. Henry then, at this first interview, made them repeat the form of betrothal which had been already gone through twice by proxy, and then he and the Prince went away. After supper, Katherine was allowed to receive them in her private room, where, to the accompaniment of her musicians, she performed some Spanish dances with her ladies, the Prince afterwards dancing in the English fashion with Lady Guildford.[1]

The next morning the King and the Prince returned respectively to Richmond and Windsor, and Katherine went by Chertsey to Kennington. On the 12th of November she rode, with a splendid train of lords and ladies, across London Bridge and through the city to the Bishop of London's Palace. On the 14th, St. Erconwald's day, a marriage ceremonial of extraordinary magnificence was gone through at St. Paul's.[2] After the ceremony, Prince

[1] Contemporary account printed by Hearne in his Appendix to Leland's *Collectanea*, v. p. 356, *seqq.*

[2] Bergenroth, *ut sup.*, p. 264.

Arthur, standing on the steps at the great door of the cathedral, in the sight of the vast crowd that filled the wide space before it, formally settled on Katherine one-third of his lands, as her dower in the event of his death.[1] A fortnight later, Arthur wrote to Katherine's parents, that "he had never felt so much joy in his life as when he beheld the sweet face of his bride."[2] Henry also wrote to them promising to be a second father to the Princess, to watch over her happiness, and never to let her want anything that he could procure.[3] A future of peace, security, and happiness seemed to dawn on the nation.

But this happiness was short-lived. Before Lent, the Prince and Princess went to keep their court at Ludlow Castle, on the borders of Wales. A pestilence broke out, and Prince Arthur taking it

[1] Rymer, *Fœdera*, xii. 780. The marriage treaty had stipulated that Katherine's "portion should be 200,000 scudos, each scudo in value 4s. 2d. sterling." One half to be paid when the Princess came to England, and the other half within two years after. On the English side the dowry was to consist of a third part of the revenues of the duchies of Wales, Cornwall, and Chester. (Cf. Bergenroth, *ut sup.*, pp. 5 and 23.)

On the 28th of November was acknowledged the receipt of the "100,000 scudos in 92,592½ gold ducats," which formed the first half of Katherine's dowry. (Ibid., p. 264.)

[2] Ibid., p. 265. (Arthur to Ferdinand and Isabella, Nov. 30, 1501.)

[3] Ibid., p. 264. (Nov. 28, 1501.) "Though they cannot now see the gentle face of their beloved daughter, they may be sure that she has found a second father who will ever watch over her happiness and never permit her to want anything he can procure her."

died on the 2nd April 1502. It was well known both in England and in Spain that his death had happened before his marriage with Katherine had been consummated.[1]

Seven years of continuous trouble for Katherine followed Arthur's death. Henry dishonourably withheld her dowry, and her parents forbade her either to borrow money, or to sell her plate and jewels.[2] A quarrel arose between the Spanish sovereigns and Henry as to the hundred thousand crowns which had been paid as the half of Katherine's marriage portion; the other half not having been then due. Her parents, when Arthur died, demanded its restitution according to the common law and custom of Christendom. But Henry would as soon have parted with his heart's blood

[1] On the 16th of June 1502, Ferdinand and Isabella charged their representative to be sure and find out this fact (Bergenroth, p. 271). On the 12th of the following month, the Queen wrote, "it is already known for a certainty that . . . our daughter, remains as she was here (for so Doña Elvira has written us)." (Ibid., p. 272.)

On 23rd August 1503, Ferdinand, writing to his ambassador at Rome about the dispensation for the marriage of Katherine with Henry, asserts that although the clause was put into the dispensation for safety sake, and to prevent future cavil as to the marriage, the truth was well known that Arthur and Katherine had never consummated their nuptials. (Ibid., p. 309.)

Cf. Polydore Vergil, *Angliæ Hist.*, lib. xxvii. (ed. 1555), p. 619; N. Pocock, *Records of the Reformation*, ii. pp. 424, 426, 432.

[2] Bergenroth, *ut sup.*, p. 268. (Ferdinand to De Puebla, May 29, 1502.) "He must tell the Princess and her advisers not to borrow money."

as with so large a sum. He proposed, as a compromise, that Katherine should now marry his younger son Henry, and on this account that the money should be kept.[1] When her parents asked what were Katherine's own wishes, she wrote to her father, that she had no desire for a second marriage in England. But with her habitual unselfishness, she "begged him not to consider her wishes, but in all things to act as suited him best."[2] Ferdinand accepted her self-sacrifice and entered into negotiations for her marriage with Arthur's brother, the young Prince Henry, afterwards King Henry VIII.

The English queen, Elizabeth of York, however, died on the 11th February 1503, and King Henry VII. forthwith proposed that he himself should take his son's place and marry Katherine. As the union with Arthur had not been consummated, a marriage with his father was not absolutely impossible. Still it would have caused great scandal, and Isabella would not allow it to be even mentioned to her.[3] The marriage treaty with

[1] Bergenroth, *ut sup.*, p. 267, *seqq.*

[2] Mariana, *Historia de rebus Hispaniæ*, lib. xxix. cap. 17 (ed. 1605), p. 545.

[3] Ibid., p. 295. (Isabella to Duke de Estrada, April 11, 1503.) In this it is evident that De Puebla had written concerning the marriage of Henry VII. and Katherine. Isabella strongly condemns the notion. Pocock, *Records of the Reformation*, ii. p. 422 *seqq.*, prints some documents from a small tract published in 1533, the

Prince Henry was consequently hurried on, and a betrothal by proxy took place on 25th of June 1503.[1]

A Papal dispensation was necessary on account of the relationship of affinity between Prince Henry and Katherine, created by her marriage to Prince Arthur. Marriage with a brother's widow was obviously not contrary to God's immutable, moral, or Divine law, as it was then called, because God had commanded the Jews under certain circumstances to contract such marriages. But the Church for prudential social reasons discouraged them, and allowed them to be contracted only with a special Papal dispensation; and even this was not granted unless there was some grave reason for the marriage. The reasons assigned for a dispensation to allow the marriage of Prince Henry and Katherine were most grave. Though Spain and England were not actually at war, yet the dispute as to Katherine's marriage portion would almost certainly have led to hostilities, if the proposed marriage did not take place. Moreover, an

author of which must have been well acquainted with the circumstances. According to this authority, "it was quite certain that Henry VII. had contemplated marrying his daughter-in-law himself" (p. 425).

Bergenroth, *ut sup.*, Introduction, pp. xcv–vi, holds that there can be no doubt about King Henry's wish to marry Katherine, and that De Puebla's letter to Isabella, on the proposal, "cannot have been composed without the consent of the King of England."

[1] The marriage treaty was signed on 23rd June 1503.

alliance between England and Spain was, for the interests of both countries, of the highest moment. It would on the one hand put a stop to the intrigues of pretenders to the English throne, who were encouraged by the King of France and other foreign princes, and, on the other, it would leave the Spanish monarchs at liberty, uninterrupted by the fear of incursions of the French on their northern frontier, to consolidate under one monarch the kingdoms into which Spain had for centuries been divided.

These reasons were considered so weighty that no obstacle about granting the dispensation was raised at Rome. Unavoidable difficulties, however, occurred to delay the business. Pope Alexander VI. died unexpectedly on the 18th August 1503, and his successor, Pius III., was taken ill three days after his election, and died twenty-three days later. Julius II. was not elected Pope till 1st November. Two days after his election, when Henry's ambassador at Rome asked for the dispensation, Julius said the case was important, and that at first sight he did not know whether he could dispense in it. But if he could, he would willingly satisfy both Henry of England and the King and Queen of Spain.[1] Very soon after he

[1] Pocock, *Records of the Reformation*, i. p. 2. (Cardinal Hadrian de Castello to Henry VII., December 1503.)

granted the dispensation verbally, and he signed the formal bull on 26th December 1503.[1]

In the following year the Pope sent a duplicate of this bull of dispensation in the form of a brief, or letter, to Isabella as a consolation to her on her deathbed,[2] and as the English lawyers were credited with a disposition to raise scruples and doubts on every subject, Ferdinand was careful that in this brief the peculiar circumstances of Katherine's marriage with Arthur should be stated in plain terms, about which there could be no subsequent dispute.[3] Pope Julius, however, delayed sending the bull to England till Henry's ambassadors, who were coming to offer homage for him, should arrive.[4] He wrote to the English king on the 6th of July 1504, that he had never intended to refuse the dispensation, and delayed sending

[1] Rymer, *Fœdera*, xiii. p. 89. Bergenroth, *ut sup.*, p. 326. (Ferdinand and Isabella to the Duke de Estrada in London, June 26, 1504.) "As for the dispensation—our ambassador who is in Rome has told us of the representations he made on our part to Pope Pius, and also to Pope Julius, who has granted it by word of mouth.'

[2] Ibid., p. 349. (The Bishop of Worcester to Henry VII., March 17, 1505.) The original bull of dispensation is on its way. "It has grieved his Holiness to learn that copies had been sent from Spain to England of the bull, which, under seal of secrecy, had been sent to Queen Isabella, only for her consolation, when on her deathbed."

Pocock, *Records*, i. p. 7, prints a letter from Julius II. to Henry VII., February 22, 1505, in which the same reason for sending the copy to Spain is given.

[3] Ibid., ii. p. 427.

[4] Bergenroth, *ut sup.*, p. 326.

it, "only because he wished to consider the case more maturely."[1] Thus it was November 1504 before the marriage could be solemnised.[2] But even then it was not binding, because Prince Henry was not yet fourteen.[3] It was looked on, nevertheless, as finally settled, since he was only six months under that age.

All, however, was changed by the death of Isabella, which took place on the 26th of November 1504.[4] Henceforth Katherine was at the mercy of two cold-hearted, unscrupulous men, concerned only with their political ambitions, who gave not a thought to her feelings or happiness. A wild dream of uniting the crowns of the Western and Eastern Empires in the person of his heir, took the place of a father's love in Ferdinand's heart; and at the same time Henry was engrossed with intrigues to give stability to his throne by marriage alliances with the leading families of Europe. In order to be free to accept for the heir to the English crown any more advantageous marriage that might offer, Henry made the Prince, when he was

[1] Bergenroth, *ut sup.*, p. 328. The letter is printed in full by Pocock, i. p. 5.

[2] Ibid., p. 330. (Duke de Estrada to Queen Isabella, August 10, 1504.) King has told him of the dispensation, but the formal bull not expected to arrive till the middle of October (cf. p. 337).

[3] Ibid., p. 431. The dispensation did not cover the defect of ages.

[4] Ibid., p. 339.

fourteen and entitled to act for himself, protest privately before Fox, Bishop of Winchester, against his engagement with Katherine, and thus formally renounce it.[1] At the same time both Ferdinand and Katherine were kept in ignorance of this step, and negotiations for the completion of the actual marriage continued as if the engagement was still in force. As to Prince Henry himself, his action in the matter was dictated only by obedience to his father, since he loved Katherine for her many excellent qualities, and certainly wished to marry her should he get leave to do so.[2]

During Isabella's lifetime King Henry had been kind to Katherine personally, professing warm fatherly affection for her, taking her about with him from place to place to benefit her health,[3] and even occasionally giving her small sums to

[1] The treaty for the marriage of Henry with Katherine, which was concluded June 20, 1503, had stipulated that it should be celebrated when the Prince reached the age of fourteen; that is to say, June 28, 1505. The day before, however, Henry VII. caused his son to make the protest against the proposed union. A precis of this is given in Bergenroth, *ut sup.*, p. 358, from the copy printed in Collier's *Eccl. Hist.*, ed. Barham, vol. ix. p. 66. The original document is not to he found in Cott. MSS. Vit. B. xii., to which Collier refers. There is no doubt as to the fact.

[2] Brewer, *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII.*, vol. iv., No. 5791. Here at p. 2588 the evidence of Bishop Fox, of Winchester, given in April 1527, is recorded. "He thinks that Henry desired the marriage, and that he loved Katherine for her excellent qualities. . . . Thinks the protest was made by command of Henry VII." [3] Bergenroth, *ut sup.*, 329.

meet the expenses of her household.[1] But on the death of her mother she was left almost destitute. Food was no longer supplied by the royal purveyors for the use of her household, and only occasionally even for her own. She was compelled to incur debts, and finally to sell her plate and jewels in order to get the bare necessaries of life.[2] She had no money wherewith to buy clothes, or pay her servants, and could scarcely keep up a decent appearance. Her Spanish attendants, among whom were several ladies of high birth, expended their private means in buying food, and when this was gone, they dragged on a miserable existence in extreme poverty, clad poorly, and were even driven at times to ask assistance. Katherine's mind was saddened by the thought of their sacrifices on her behalf, and her generous nature was touched to the quick by their tender devotion to her. They never complained to her, but served her as cheerfully and respectfully as if they had been daily receiving favours from her.[3] Even in writing to Ferdinand, whilst they pressed her claims on him, they expressed their willingness to wait patiently for the relief of their own destitution.[4]

In vain did Katherine beseech King Henry with tears to assist her. He sternly refused, and cruelly

[1] Bergenroth, *ut sup.*, p. 327. [2] Ibid., pp. 386, 411.
[3] Ibid., pp. 375, 376, 386, 402, 411, 423. [4] Ibid., p. 414.

taunted her with her father's repeated failure to pay the balance of her marriage portion at the stipulated times.[1] In vain did she tell her father that she was in the greatest anguish of mind and all but destitute; that her health had given way, and that for six months she had been sick almost to death; that she was sure he would not credit what she could tell him, or if he did, he would be frightened at what she had passed through. In vain did Isabella's trustee press on the Spanish monarch his duty, not only as a father but as a king, towards a young unprotected princess in a foreign land, and remind him that her poverty was a disgrace to both him and the late Queen.[2] For a year Ferdinand kept silence. Then he wrote to Katherine only empty words of affection and delusive promises, coupled with strict injunctions that she should take care of her jewels. In spite of all, however, so entire was her filial reverence, that the idea of his being to blame seems never to have entered her mind. When at last he sent her a small sum with apologies for its being so little, she told him that his apologies were unnecessary, as she was sure he would have sent more had it been possible.[3] When she heard of his popularity in

[1] Bergenroth, *ut sup.*, p. 386. (Katherine to Ferdinand, April 22, 1506.)

[2] Ibid., p. 397. (Juan Lopez to Ferdinand, August 28, 1506.)

[3] Ibid., pp. 422, 423. (Katherine to Ferdinand, August 15, 1507.)

Spain, she declared that her joy made her unconscious of her own sufferings,[1] and when she was overwhelmed by King Henry's fury at her father's postponement of the promised payments, she entreated him to spare her such a humiliation for the future, because, though she was submissive, she could not forget that she was daughter to the King of Spain. Then fearing she had overstepped the limits of filial duty, she added at the close of her letter, that she had suffered a martyrdom, but that she was ready to suffer more if her father ordered it.[2]

In 1507 a fresh trouble came upon her. Up to this time King Henry had constantly thrown her and his son into each other's society. The young prince had long loved her, and she had gradually come to return his love. But as the English king was now turning his thoughts to another marriage for his son, he would not let them meet, even when they were in the same house. When Katherine complained, he said that their marriage treaty was not binding because her proper portion had not been paid.[3] She appealed to the Spanish ambas-

[1] Bergenroth, *ut sup.*, p. 436. (Katherine to Ferdinand, October 4, 1507.)

[2] Ibid., pp. 411, 412. (Katherine to Ferdinand, April 15, 1507.)

[3] Ibid., pp. 112, 113. (Katherine to Ferdinand, April 15, 1507.) The Princess says that although in the same house as the Prince of Wales, she "had not seen him for the last four months."

sador and her confessor; but both, alas! confirmed Henry's words.[1] She was even informed that her own father had told the King of France, that he did not believe the marriage would ever take place.[2] But her heart rejected this as a cruel untruth, and she insisted passionately that what had been done could not be undone. In her agony she wrote to her father, saying that she would rather die in England than give up the marriage.[3]

Thus year after year dragged on, and still, by 1509, only one half of Katherine's portion had actually been paid. But at this moment the hopes she had cherished and relied on were suddenly dashed to the ground. King Henry had at last succeeded in betrothing his youngest daughter Mary to Charles, nephew of Katherine and heir both to the Emperor Maximilian through his father and through his mother to the Crown of Spain;[4] and being now independent of Ferdinand, he seriously entertained proposals for the marriage of Henry, Prince of Wales, to the sister of the Duc d'Angoulême, afterwards Francis I., King of France.[5] Katherine's

[1] Bergenroth, *ut sup.*, p. 113.

[2] Ibid., pp. 434, 435. (Katherine to Ferdinand, October 4, 1507.) Her informant was De Puebla, the Spanish ambassador, who professed to have heard it from the French ambassador. King Henry also told her the same.

[3] Ibid., and p. 436.

[4] Ibid., p. 469 (December 17, 1508).

[5] Ibid., p. 467. (Edmund Wingfield to Margaret of Austria, November (?) 1508.)

spirit at length gave way. She wrote on the 9th of March 1509 to her father, that she could no longer endure her sufferings, and felt driven almost to desperation. She had sold all that she possessed, and knew not how to procure food for herself and her servants. She besought him to help her immediately, before any fatal catastrophe should befall her. Above all, she implored him to take her back at once to Spain, in order that she might spend her few remaining days in serving God as best befitted her unhappy lot.[1]

On the 21st April 1509, within six weeks from the date of this letter, Henry VII. of England died. The young King Henry VIII. hastened to make arrangements for marrying her whom he had loved for so many years. The question of the impediment of affinity contracted by Katherine's union with Prince Arthur was discussed in the Council, and held to be no bar to her union with Henry. The young King was at once privately married to Katherine and publicly at St. Paul's on the 3rd of June. On the 24th of June of the same year, 1509, the young King and Queen were crowned at Westminster Abbey.

[1] Bergenroth, *ut sup.*, p 469. (Katherine to Ferdinand, March 9, 1509.) Cf. same to same, p. 471.

[2] Lord Herbert of Cherbury, *Life of King Henry the Eighth* (ed. 1649), p. 9.

[3] Bergenroth, *ut sup.*, ii. p. 19.

CHAPTER II.

HENRY VIII.

FEW princes have begun their rule under more promising circumstances than did Henry VIII. He was said to be the handsomest man in Europe, having delicately chiselled features, towering in height above all around him, and remarkable for great muscular strength and faultless grace. He excelled in all manly sports and feats of arms. In elegant accomplishments, in learning of all kinds, and in aptitude for politics and statesmanship he was unequalled among princes, while the profuse magnificence of his court was unrivalled.[1] His personal attainments and spirited foreign policy gratified the pride of his subjects. His open-handedness, frank manners, bluff good humour, and the

[1] Brewer, *Letters and Papers of the Reign of Henry VIII.*, vol. iii. p. 142. (Report of Sebastian Giustinian, the Venetian ambassador, on his visit to England, September 10, 1519.) Giustinian left Venice on 10th January 1515, arriving in Paris on 15th March, and reaching England so as to have an audience with the King on St. George's Day, 1515. He describes Henry VIII. when twenty-nine years of age. The report of Giustinian may be found in greater detail in Mr. Rawdon Brown's translations and extracts in the *Calendar of Venetian State Papers*, ii. pp. 557, *seqq.*

easy familiarity with which he associated with his subjects of all classes, won their affections. His religious feelings were in perfect sympathy with those of the nation. He heard three masses on days when he was going to hunt, and five masses on other days, besides constantly assisting at vespers and compline.[1] His devotion to Our Blessed Lady led him as king to make two pilgrimages to her shrine at Walsingham, and on the last occasion, in 1510, he walked barefoot the final stage of the journey. His horror of heresy was notorious, and his loyalty to the Pope was an example to all Europe. He said to Sir Thomas More that he could not do too much honour to the See of Rome, because he had received his crown from it.[2] He reproved the Emperor Maximilian for the sin of defying the Pope's authority, and publishing to the world his faults.[3] He was always ready to assist the Pope with money and influence, and amid his frequent changes of foreign policy, he always ranged himself on the Pope's side.

He had the happiness, rare for a prince, of being married to the woman whom he had loved, and who

[1] Brewer, *ut sup.*

[2] Roper, *Life of More* (ed. 1822), p. 66.

[3] Brewer, *ut sup.*, i. p. 276. (Henry VIII. to Maximilian, July 1511.) "Regrets that he is so incensed against the Vicar of God, as to seek to make his faults public. Even if it be right to call a council without the Pope's authority, which all are bound to respect, where could it be held in safety to his Holiness."

had loved him during long years of trial. Few could compete with Katherine in "virtue and sweetness of condition,"[1] in queenly dignity of bearing, or in sweet attractiveness of manner.[2] She was her husband's companion in his amusements and his confidante in all political plans; identifying herself so completely with her adopted country that the Spanish ambassador complained "he could never use her influence to advance Spanish interests."[3] A few months after his marriage, Henry chose her as the medium of communication with her father on his most secret plans.[4] In 1513, he appointed her Regent during his absence in Flanders, and during that time an inroad of the Scots, under James IV., put her powers to the test. She became the soul of the national resistance, inspiring and superintending all arrangements for defence, and even, with her ladies, worked the banner under which they were to fight, and inspiriting all around her, addressing the troops in heroic

[1] Lord Herbert of Cherbury, *ut sup.*, p. 7.

[2] Brewer, *ut sup.*, i. p. 833. (Gerard de Pleine to Margaret of Savoy, June 30, 1514.) De Pleine was negotiating the marriage of the Princess Mary.

[3] Bergenroth, *ut sup.*, ii. p. 248. (The Spanish Ambassador in England, to Friar Juan de Eztuniga, Provincial of Aragon, December 6, 1514.) The writer lays the blame of this upon the Queen's confessor, "who has told her that she ought to forget Spain and everything Spanish, in order to gain the love of the King of England and the English."

[4] Ibid., p. 25. (Ferdinand to Queen Katherine, Nov. 18, 1509.)

words, which fired them with the ardour which issued in the great victory of Flodden.[1] In 1520, shortly before the meeting with Francis I., known as the Field of the Cloth of Gold, Henry happened to enter her room while she was holding a council, and inquiring what they were discussing, her advisers told him what she had just said, and this manifested such power of reasoning and foresight, that the King and his councillors esteemed her even more highly than they had done before.[2]

But while she thus devoted herself to the performance of her public duties, her own feelings lay in another direction. She was a tertiary of St. Francis, wore the habit under her royal robe, kept the strict rule of the order, and spent all the time at her own disposal in church, or in reading the Bible or devotional books.[3] Her charity,

[1] Brewer, *ut sup.*, i. p. 657. (Katherine to Wolsey, August 13, 1513.) "My heart is very good to it (*i.e.*, the war with the Scots), and I am horribly busy with making standards, banners, and badges." Cf. ibid., p. 675, where Peter Martyr writes about the "splendid oration" made to the English captains by the Queen, when, "fired by these words, the nobles marched against the Scots, who were then wasting the Borders, and defeated them." Mr. Brewer (Introd., liii) says this "story of her address to the soldiers, as detailed by Peter Martyr, may be apocryphal; not so the evidences of her activity, as furnished by official documents."

[2] Ibid., iii. p. 256. (French agent in London, April 7, 1520.)

[3] N. Sander, *Rise and Growth of the Anglican Schism* (translated by D. Lewis), p. 7. Dr. Sander's book was first published at Cologne in 1585, by the Rev. Edward Rishton, shortly after the author's death.

humility, and perfect self-control won the hearts of all around her, and even her political enemies were compelled to confess that she was as "virtuous as words could express."[1] The love she inspired in the people throughout the country added to her husband's popularity.

It is scarcely possible to exaggerate the fascination which Henry exercised over his subjects during the early years of his reign, and their enthusiastic affection for him was scarcely dispelled by the dark cloud that hung over its close.

[1] Brown, *Venetian State Papers*, ii. p. 561. (Giustinian's Report of England, September 10, 1519.)

CHAPTER III.

THE REVERSE OF THE MEDAL.

THERE was, unhappily, another side to Henry's character. With the mingled blood of York and Lancaster that flowed in his veins, he had inherited the licentiousness, bloodthirstiness, and fierce passions of his Yorkist grandfather, together with the mean avarice, and cold, suspicious, despotic temper of his Lancastrian father.

Even in his childhood these faults of character seem to have shown themselves. In the only anecdote of that time that has been handed down, it is told how one day, as his father was beating him, Alcock, Bishop of Ely, begged he might be forgiven. But his father answered, "Entreat not for him, for this child will be the undoing of England."[1]

In the brilliant early years of his reign, his bursts

[1] Nicholas Harpsfield, *Hist. of the Pretended Divorce*, ed. Pocock (*Camden Soc.*), p. 284. Harpsfield was born about 1519. In 1550 he quitted England, because he disapproved of the religious changes under Edward VI. Returning in Mary's reign, he became Archdeacon of Canterbury. After Elizabeth's accession, as prolocutor of the lower house of Convocation, he presented a remonstrance to the

of passion passed almost unnoticed. It was indeed singular that one so young and so joyous should have been so reckless of human life.

On his accession to the throne a general pardon for all offences except murder, felony, and treason, was proclaimed. Still in deference to popular clamour, Empson and Dudley, the ministers of his father's rapacity, were, by a stretch of the law, condemned for treason and committed to the Tower. Soon after the Court set out on a royal progress; but its enjoyment being marred by the outcries of the people for further vengeance, Henry summarily ordered them to be beheaded.[1] Again, in a season of great scarcity, some of his waggons laden with treasure were attacked and pillaged. Eighty of the robbers were captured, and every one of them Henry pitilessly hanged.[2]

His cousin, Edmund de la Pole, a claimant for the Crown, had been given up to the late King,

bishops against the proposed changes in religion. In 1559 he refused obedience to the Queen's injunctions, and his acceptance of the Prayer-Book, when he was committed a prisoner to the Tower, where he remained till his death in 1575. The last part only of the work is historical, and is that of a man evidently well informed, although the anecdote given in the text can hardly be more than a story current after the event. Mr. Pocock has the highest opinion of the general accuracy of Harpsfield's *History*.

[1] John Bruce, *Hist. of the Court of Star Chamber*, in *Archæologia*, xxv. p. 372. Cf. Lord Herbert of Cherbury, *ut sup.*, p. 7.

[2] Brewer, *ut sup.*, i. p. 583. (Letter of Peter Martyr, May 19, 1513.) Mr. Brewer's caution as to the worth of this evidence before noted may be recalled here.

by Philip of Austria, on a promise that his life would be spared. He had been confined in the Tower for seven years; but in 1513, his brother Richard, having entered the service of France, then at war with England, Henry, filled with suspicion and actuated by a desire of revenge, had him beheaded without even the form of a trial.[1]

As years passed on, the King's passions gained strength. On May-day, 1517, the London apprentices, watermen, and a mixed mob abused their prescriptive right of rough sport on that day by ill-treating and pillaging some foreigners of whose favour at court they were jealous. No blood was shed, still, infuriated at what he took as a personal insult, Henry despotically revived a cruel law of Henry V., which had been repealed under Henry VI., and hanged and quartered forty of the rioters. Four hundred others, among whom were many women, lads, and even children, were led with halters round their necks to receive sentence of death from himself. Queen Katherine, his sisters, the Queens-Dowager of France and Scotland, Cardinal Wolsey and the nobles who were present,

[1] Brewer, *ut sup.*, p. 637. (Peter Martyr, July 5, 1513.) Cf. Gairdner, *Letters and Papers illustrative of the Reigns of Richard III. and Henry VII.*, Preface, lv, lvi. Lord Herbert of Cherbury has preserved, says Mr. Gairdner, "an ugly tradition that Henry VII., before he left the world, recommended his son to do that which he had promised not to do himself."

besought him on their knees to forgive them, while the wretched culprits themselves uttered the most piteous cries for mercy. It was only after long entreaty, however, that he could be induced to relent.[1]

Hard lessons of adversity alone could have trained such a character to habits of self-control. But it was Henry's misfortune to possess a minister of rare genius, who devoted his vast abilities, his almost incredible power of work and unfailing fertility of resource, to gratifying his every whim and shielding him from every disappointment and misfortune. Thomas Wolsey was the son of a petty gentleman of Suffolk, who fed cattle for the butchers. He entered the royal service under Henry VII., was soon distinguished, and on the young King's accession rose to be his chief minister. To his towering ambition and his magnificent ideas, nothing seemed too high or impossible. He had the sagacity, however, to perceive that he could gratify his lofty aspirations only by the splendour reflected from his master, whose suspicions and arrogant temper made it impossible

[1] Stow, *Chron.*, p. 506. Brewer, *ut sup.*, ii. p. 1045. (Sagudino to Foscari, May 19, 1517.)

Cf. ibid., Pref., ccxxi., also Rawdon Brown, *Venetian State Papers*, ii. p. 383 (Giustinian to the Signory, May 9, 1517), and p. 385 (Chieregato to Vigo da Campo San Pietro, May 19, 1517). Hall, who hated Wolsey, has omitted the circumstance of the Cardinal asking for their pardon on his knees.

to lead him by mere personal influence, and that he could be governed by having a continual regard to his passions. Wolsey encouraged Henry's love of amusement by taking on himself all details of business; but at the same time, in view of his proud and suspicious temper, he was careful always to set the results of his labours before him, so as to enable him to keep a vigilant eye on the business of the State, and thus to make him feel that all important decisions rested with him. He fostered his extravagance by supplying him with money without stint. Under this minister Henry's vanity was gratified by seeing the penniless Emperor Maximilian fighting under his banner, and receiving a hundred crowns a day as his pensioner. His pride was constantly fed by delusive schemes of ambition, which could not possibly be realised. At one time he claimed a share of the kingdom of Castile in right of his wife.[1] At another he was a candidate for the Empire.[2] Again, he was to conquer France and be crowned at Paris.[3] Or he was to rule the Church by making Wolsey

[1] Bergenroth, *ut sup.*, ii. p. 243. (King Louis XII. of France to the Duke of Suffolk, November 26, 1514; a reply to proposals made in the King's name.)

[2] Brewer, *ut sup.*, ii. p. 767. (Heads of a treaty to be signed by the Emperor and the King of England, October 1516.) Cf. ibid., ii. p. 43. (Wolsey to Bishop of Worcester, March 25, 1519, pp. 80, 81; Pace's instructions, &c.)

[3] Ibid., ii. pp. 1440.

Pope.[1] Foreign princes flattered him to suit their own interests,[2] till at last he came to believe in sober earnest that the fate of Europe hung on his will.[3]

At home every obstacle to the King's despotic temper was carefully removed. Obsolete laws were revived in order to make illegal acts "look like the executing of the laws and the doing of justice."[4] Judges were brought to the palace and instructed to give sentence in the King's favour on one pretence or other, or at least on the ground of his prerogative.[5] Neither judge nor jury dared

[1] Bergenroth, *ut sup.*, ii. p. 310. (Imperial Ambassador at Rome to the Emperor, July 5, 1520.) Ibid., p. 589. (Same to same, October 28, 1523.) Ibid., p. 596. (Emperor to his ambassador at Rome, December 14, 1523.) Cf. Brewer, *ut sup.*, iii. p. 1420. (De Prat to the Emperor Charles V., October 6, 1523.) Ibid., p. 1505. (Charles V. to Henry VIII., December 12, 1523.) Ibid., p. 1512. (Same to Wolsey, December 16, 1523.)

[2] Ibid., ii. p. 610. (Instructions as to the conclusion of peace between the Emperor and the King of France. March 11, 1524.)

[3] Brown, *Venetian State Papers*, ii. p. 252. (Giustinian to the Signory, July 3, 1515.)

[4] More, *Utopia*, quoted in Brewer, *ut sup.*, ii.; Preface, p. cclxxii. "Unquestionably the greatest blot upon the reign of Henry VIII. was the sudden revival of obsolete statutes; as in the punishment of the London apprentices, and the *præmunire* in 1530. More's language looks prophetical, as if he pierced into futurity, and saw beneath the popular and fascinating exterior of Henry VIII., the monarch who should one day use the law, not for the protection, but the oppression of his subjects."

[5] Brewer, *ut sup.*, iv., Introduction, p. dxxiv. "As the entire legislative and executive power were concentrated in the Crown, not merely in theory but in practice, the courts of law were not independent of royal influence, whenever the King was disposed to exert it. None, however innocent, would have found it easy to escape, of whose guilt the sovereign was persuaded."

to question any accusation advanced by the King's Council, and thus the natural safeguards of justice and liberty were used as instruments of royal despotism. But Henry himself was shielded from the popular indignation which the tyranny of his rule could not fail to excite, for Wolsey, whether magnanimously or discreetly, took all the blame on himself. In this way the King was flattered by the continuance of his early popularity, while his minister grew to be intensely hated by the nation at large.

Wolsey, however, cared not for the hatred of the nation so long as it did not prejudice him in his master's favour. He treated his enemies with scorn, and made no attempt at concealing his satisfaction at seeing them crouch before him. He lived in a splendour till then unknown in England. He ruled both king and kingdom,[1] and nothing was done without his consent.[2] Emperors and kings sought his favour: ambassadors, and even the Papal Nuncio, were made to feel that they were speaking not to a cardinal but to one with the power of a king, and who in many ways was more than king.[3] It was noticed that at first the

[1] Brown, *Venetian State Papers*, ii. p. 560. (Giustinian's Report, September 10, 1519.)

[2] Ibid., p. 380. (Francesco Chieregato, Apostolic Nuncio in England, to the Marquis of Mantua, April 18, 1517.)

[3] Ibid., iv. p. 205. (Marco Venier, Venetian ambassador, Report of England, April 2, 1529.)

Cardinal used to say, "His Majesty will do so and so." After a time he began to say, "We will do so and so." But at last he said plainly, "I will do so and so."[1] In the intoxication of pride he even boasted, that all the princes of Christendom, except the Pope, whose distrust made him angry, had empowered him to arrange their political matters as he liked.[2]

There were two natural barriers against Henry's despotism of which a prudent minister would have made the most to control his passions. These were the great nobles and the Church. But Wolsey in fact sacrificed both.

Though no monarch could have been more firmly seated on his throne than Henry, yet he was morbidly sensitive of the faintest suspicion of conspiracy, or revolt, among his nobles. By them Wolsey was especially hated, on account of the insolence with which he habitually treated them. At their head was the Duke of Buckingham, the next in succession to the throne after the King's family. One day at Court, Wolsey insulted him. He haughtily returned the insult; Wolsey retorted by a vow of vengeance. It was not hard to awaken Henry's doubts as to the loyalty of one so near

[1] Brown, *ut sup.*, ii. p. 560. (Giustinian's Report, *ut sup.*)
[2] Bergenroth, *ut sup.*, ii. p. 310. (Juan Manuel, Imperial ambassador in Rome, to the Emperor, July 5, 1520.)

the throne, or to play upon the royal cupidity by promising him Buckingham's wide domains as a sop to his avarice. Members of the Duke's own household were treacherously brought to accuse him secretly of rash words spoken at moments of irritation, though of any conspiracy or crime not a shadow of proof could be found. The King privately examined the witnesses in person and pronounced him guilty.[1] He was summoned to Court in the usual terms, and unsuspectingly obeyed. But as he went in his barge down the river, he was arrested and conveyed to the Tower. He was brought before a picked jury of eighteen peers, every one of whom shared the hatred of Wolsey, which in reality was his sole crime.[2] But not one of that craven jury had the manliness to say a word in his defence. Each in turn pro-

[1] Brewer, *ut sup.*, iii.; Introduction, cxix. The examination was conducted by the King in person, who "had already made up his mind as to the Duke's guilt and condemnation."

Shakespeare's account of this travesty of justice is, with the exception of his making Wolsey present at the examinations, substantially correct. Mr. Brewer remarks that the trial "presents us with a general likeness of State prosecutions in the Tudor times." . . . In crimes against the sovereign, real or supposed, men were presumed to be guilty until they had proved themselves to be innocent, and that proof was involved in endless difficulties.

[2] Ibid., Introduction, pp. cviii–cxxxix, gives a full account of the arrest and condemnation of Buckingham. He thinks that the account of Wolsey's part in the business is untrue, and has obtained a place in history from writers "unsuspiciously following that old libeller and maligner, Polydore Vergil."

nounced him guilty, and the Duke of Norfolk, bursting into tears, passed sentence of death. On 16th May 1521 Buckingham was beheaded.[1] Henry had nothing to fear from his servile nobles. But henceforth no man in England could feel his own head safe.

The Church was still a strong safeguard of liberty and justice. There can be no doubt that Henry felt genuine reverence for the Pope as Christ's Vicar. But in 1517, when Pope Leo X. sent Cardinal Campeggio to England to ask his help in a crusade against the Turks, Wolsey felt that it would be a humiliation to give precedence to the Pope's legate. He therefore suggested to Henry that his royal dignity would be lowered if a foreigner were to have precedence of his own subject, or exercise legatine powers within his dominions. Hitherto supernatural principles had governed Christendom, and the Pope had been universally regarded as the common Father of all Christians. He could not therefore be a foreign prince, for in every Christian land he was at home among his own children. Now, however, Wolsey brought forward the new materialistic principle which runs through all Protestant and infidel ideas, and, acting on which, sixteen years later, Henry

[1] *Hist. of the Court of Star Chamber*, in *Archæologia*, xxv. p. 374. Cf. Lord Herbert of Cherbury, *ut sup.*, p. 111.

threw off his obedience to the Roman Church. Henry eagerly accepted this principle, and refused to receive the Pope's legate, unless equal rank was conferred on his own subject and the usual legatine powers were suspended. The Pope's urgent need compelled him to yield to the dictation. Campeggio was still further insulted by being detained at Calais till the Pope consented also to deprive Cardinal Adrian of the Bishopric of Bath and Wells, which he then held, but which Wolsey coveted. At Campeggio's entry into London, neither Henry nor Wolsey honoured him by their presence. At Henry's reception at Greenwich, Wolsey took the place of honour on the right hand, sitting on the larger of two chairs, and Campeggio on the smaller, placed a little behind that of the English cardinal. While Wolsey made a Latin oration the King stood, and the King in person answered him. Then Campeggio's brother spoke. But during this every one sat, and only one of Wolsey's attendants answered him on His Majesty's behalf. It was generally noticed that "in all this little respect was shown to the Apostolic See."[1]

Thus was Henry trained by Wolsey's policy for his future career, and gradually every barrier to the

[1] Brewer, *ut sup.*, ii. p. 1263. (Wolsey to the Bishop of Worcester, April 11, 1518.) Cf. pp. 1295, 1323, 1336, 1341, 1344, 1346, 1348.

gratification of his passions was broken down. One of the peculiarities of his character was its rare union of cunning and strength. He never forgot what was once put into his head;[1] but stored up in his memory the lessons taught him by Wolsey. He kept silence till "it was time to strike, and then he struck as suddenly and remorselessly as a beast of prey."[2] Meanwhile he was pleased to see his minister grasping all power, both of Church and State, into his own hand. For the minister held everything merely at his royal will, and it needed but a word to annihilate his agent and to transfer all these powers to himself.

[1] Cavendish, *Life of Cardinal Wolsey* (ed. H. Morley, p. 24). George Cavendish, the author of this life, was born about 1500. After the Cardinal's death on November 28, 1530, Cavendish, then about thirty years of age, retired to his own estate of Glemsford, in Suffolk. There he continued to live with his wife Margery—who was a niece of Sir Thomas More—until his death in 1562.

[2] Brewer, *ut sup.*, iv., Introduction, p. dcxxi.

CHAPTER IV.

THE TURNING OF FORTUNE'S WHEEL.

FOR sixteen years Wolsey succeeded in gratifying Henry's ambition, his love of pleasure, his vanity, and his lust for power. But the large sums which had to be squandered in thus ministering to his master's will, were scarcely supplied by the £2,000,000 of gold found in the late King's coffers, by the rich income derived from the royal domains, and by the large pensions paid by the King of France, so that Wolsey was constantly obliged to come to Parliament for grants of money. At last the crash came.

In 1522, the Emperor Charles V., Katherine's nephew, persuaded Henry, by engaging to place the crown of France on his head, to join him in a war against Francis, and to lend him a large sum of money. At the same time he promised Wolsey to repay this sum shortly, and to make good the amount of the French pensions, which, of course, would cease to be paid. He had already played Wolsey false about the English cardinal's election to the Papal Chair, and now again he unscrupulously

broke his word. He neither repaid the loan, nor made good the French pensions; nor in 1523 did he give the help promised to the English army in France, under the Duke of Suffolk, which was consequently compelled, when within view of Paris, to retreat ignominiously.[1] In 1525, moreover, when the French army had been cut to pieces and the French king made prisoner at the battle of Pavia, he flatly refused to invade France. Notwithstanding all this, Henry resolved to lead his army in person to Paris. The country was so impoverished by Wolsey's frequent demands, that two years before, Parliament had with difficulty been persuaded to make a grant, and now the kingdom was so utterly exhausted that he could not obtain money, even as a loan, from either clergy or laity. The proposed invasion of France had therefore to be given up.[2] It had been said that Wolsey "would ruin the universe to contrive that the Emperor should not appear superior to his own master."[3] Now, however, his schemes had in reality made the Emperor master of Europe,[4] and had reduced his own master to poverty.

His whole policy must be changed. The war

[1] Brewer, *ut sup.*, Introduction, p. iv.

[2] Ibid., pp. lxvii–lxxxv.

[3] Rawdon Brown, *Venetian State Papers*, iii. p. 371.

[4] Gayangos, *Spanish State Papers*, iii., part i., pp. 58, 59. (Imperial Ambassador in Genoa to the Emperor, March 2, 1525.)

with France could not be carried on for want of money, and the French pensions could not be spared.[1] But Henry, from long self-indulgence, had become more difficult to manage, and it was only gradually he could be brought to give up the hope of the French crown which had seemed within his grasp,[2] and to conclude a peace with France. Some strong motive was required to withdraw him from the influence of the Emperor, to whom he was personally attached, and to enable Wolsey to keep his hold upon him. Such a motive was quickly found by the Cardinal. Henry longed passionately for a son to be his heir. Katherine had borne him three sons, but they had all died at their birth, or soon after. And now his only hope of a male heir lay in divorcing her and marrying a younger wife. The divorce of Katherine would, as a matter of course, lead to a quarrel with her nephew the Emperor, and leave Henry free to marry a French princess. This last was perhaps the chief object, for Wolsey was afterwards in the habit of boasting that the French alliance was his motive for pressing the divorce. Thus was formed the plot, the working of which led in the end to the ruin of England's faith.

[1] Brewer, *ut sup.*, iv. pp. 481, 510.

[2] Gayangos, *ut sup.*, iii., part i. p. 82. (The Commissioners to the Regent of the Low Countries, March 9, 1525.)

CHAPTER V.

OPENING OF THE PLOT.

THE earliest notice of the divorce is found in a letter from Archbishop Warham to Wolsey in April 1525, in which reference is made to "this great matter of the King's grace."[1] The divorce was afterwards constantly called "the King's great," or "private," or "secret matter." At this time it would appear that Henry could not have been a party to it, as he was still in close friendship with the Emperor. It is uncertain when it was first brought before him; but most contemporary writers, whether Catholic or Protestant, agree that it was Wolsey who first put it into his head.[2]

[1] Brewer, *ut sup.*, iv. p. 554. (Warham to Wolsey, April 12, 1525.)

[2] Polydore Vergil, *Hist. Angl.*, p. 685 (ed. 1555).

Tyndale, *Practise of Prelates* (ed. *Camden Soc.*), p. 320.

Pole, *Apologia ad Cæsarem*, pp. 115, 116.

Brewer, *ut sup.*, iv., Introduction, ccxxi, expresses his disbelief in the theory that Wolsey put the first notion of the divorce into the King's head. "The common story, propagated by Tyndale, repeated by Roper, reiterated since, that Wolsey requested Longland, the King's confessor, to put 'a scruple into his Grace's head' as to the legality of his marriage, is a mere calumny . . . It was denied by Longland himself; it was denied in open court by the King."

It is said that one day, in the course of conversation with Henry, Wolsey expressed a doubt as to the validity of his marriage with Katherine. Henry was so astonished that for some time he did not speak. But at last he said, "Beware of calling in question what has already been decided;" and he proceeded to praise Katherine and to point out the ordinary arguments in defence of the marriage. Three days after, Wolsey, accompanied by Longland, Bishop of Lincoln, the King's confessor, reopened the subject and besought Henry to let the question be examined. After some opposition Henry consented. Wolsey then suggested that Margaret, sister to the King of France, and widow of the Duc d'Alençon, would be a suitable wife. But Henry rebuffed his indecent haste, saying, "We will speak of that hereafter. Now silence is necessary above all things, lest the matter be noised abroad before everything is ready, and leave a stain on our honour."[1]

Before long the subject was apparently discussed secretly with Sanga, the Pope's most influential adviser. On the 13th September 1526, Clark, Bishop of Bath and Wells, wrote to Wolsey, "There will be great difficulty *circa istud benedictum divortium*."[2] Some months later the prospect was brighter,[3] but

[1] Harpsfield, *History of the Pretended Divorce*, pp. 175, 322; Sander, *The Anglican Schism* (ed. Lewis), p. 16.

[2] Brewer, *ut sup.*, iv. p. 1109.

[3] Ibid., p. 1433. (Wolsey to Henry VIII., June 2, 1527.)

before the subject could be mentioned to the Pope,[1] Rome had been sacked by the Emperor's troops, and his Holiness made prisoner.

Meanwhile Henry was studying Holy Scripture and the writings of the Fathers on the subject. The objection to the marriage advanced by Wolsey and Longland was, that in Leviticus (xx., v. 21) a man is forbidden to marry his brother's wife, and as this was a part of the Divine or moral law, the Pope could not dispense from it. But they took no notice of the command in Deuteronomy (xxv., v. 5) that a man should marry the wife of a brother who had died without children, as had certainly been the case with Arthur. As it is impossible that God should contradict Himself, the Church and the Fathers have always applied the text in Leviticus to a marriage with a brother's wife during his lifetime. For the same reason it is evident that the prohibition of marriage with a brother's widow is not a part of the Divine or moral law, which being founded on God's immutable nature, must necessarily be immutable, and therefore that the Pope, who never could dispense with the immutable or Divine law, had power to grant a dispensation to marry with a brother's widow. Henry consulted the best theologians in England; but for

[1] Brewer, *ut sup.*, p. 1538. (Same to same, September 5, 1527.) Cf. p. 1553. (Knight to Henry VIII., September 13, 1527.)

nearly a year he could not twist his intellect and conscience to agree with his bishops.[1] At last, early in the year 1527, a stronger influence came into play.

Among the ladies of Katherine's household was Anne Boleyn, daughter of Sir Thomas and Lady Elizabeth Boleyn. Lady Elizabeth was daughter to the late Duke of Norfolk. She did not bear a good character, and was never noticed by Katherine. Her elder daughter, Mary, had been Henry's mistress,[2] and it was generally believed in England and France that the mother herself had also been in the same unlawful relations with the King.[3] Anne, whilst still a child, was sent to France. She returned to England early in 1522,[4] and soon after had charge of certain articles in the Queen's wardrobe.[5] She was remarkable for her grace and

[1] Sander, *ut sup.*, p. 16.

[2] Brewer, *ut sup.*, iv., Introduction, p. cccxxix. In the letter of Sir George Throgmorton to Henry himself, quoted in the note, the charge is made and apparently tacitly allowed by the King. Cf. Pocock, *Records of the Reformation*, Preface, xxxviii. "The next point in the case, which can no longer be denied with any show of reason, is the King's intrigue with Mary Boleyn, the elder sister of Anne."

[3] Harpsfield, *ut sup.*, p. 236.

Brewer, *ut sup.*, p. cccxxx. "True or not, for such a report to have existed conveys no exalted opinion of the King's purity, or of the scrupulous honour of the Boleyns."

See also Pocock, *Records*, ii. pp. 468, 573.

[4] Brewer, *ut sup.*, p. ccxxxiii. Anne was at that time sixteen years of age.

[5] Ibid., iii. p. 1559.

fascination rather than for her beauty, about which people differed. She was lightly spoken of and had many lovers—among others, Sir Thomas Wyatt, the poet, who was a married man, and Lord Percy, eldest son of the Earl of Northumberland. The King, too, was one of her admirers.[1] Lord Percy wished in 1522 to marry her;[2] but Wolsey, by the King's order, forbade him to think of her, because the King intended to prefer her to another.[3] As the Lord Percy persisted, he was made Warden of the Marches,[4] and was on the Border till September 1523,[5] when he married the daughter of the Earl of Shrewsbury.[6] Anne went in 1525 to the Court of France, where she bore the same doubtful character as in England,[7] and on her return to England, early in 1527, she encouraged Henry's addresses, but at the same time she rejected his advances till he should be in a position to make her his wife. She decided the King to listen to Wolsey's suggestions as to the unlawfulness of his marriage with Katherine.[8] Wolsey, however, was not at the time aware of her

[1] Brewer, *ut sup.*, iv., Introduction, p. ccxlvi.

[2] She was supposed to have entered into an engagement to marry him (Ellis, *Historical Letters*, 3rd Series, ii. p. 131.) At the time of Anne's trial, however, Lord Percy denied this on oath.

[3] Cavendish, *Life of Wolsey* (ed. Morley), p. 54.

[4] Brewer, *ut sup.*, iii. p. 1077.

[5] Ibid., p. 1120.

[6] Ibid., p. 1383.

[7] Sander, *The Anglican Schism*, pp. 25, 26.

[8] Ibid.

influence. Henry had long led an immoral life,[1] and the Cardinal seems to have thought that his master was only amusing himself with Anne, as he was in the habit of doing with others of the Queen's ladies.[2]

On the 17th May 1527, the first formal step towards getting the divorce was taken. Wolsey summoned Henry to appear before him, in a Legatine Court held in his own house, and answer to the charge of living unlawfully in the marriage state with his brother's widow. Katherine was kept in ignorance of what was going on, and Henry alone appeared before the court. After some formal proceedings, the case was dropped, and what had been done was buried in such secrecy, that it has only become recently known through papers found in the Record Office.[3]

The case was laid about this time before the bishops and Sir Thomas More, who, though a layman, was highly esteemed, not alone in England, but throughout Europe, for his learning. Nothing, however, could be gained from them. Sir Thomas More, pleading ignorance of theology, prudently suspended his judgment. Fisher, Bishop of Rochester,

[1] Brown, *Venetian State Papers*, ii. 152.
Cf. Brewer, *ut sup.*, i. p. 911; ii. p. 292; Pref. cxcix; iii. p. 1539.
[2] Gayangos, *Spanish State Papers*, iii., Introduction, p. cxiii.
[3] Brewer, *ut sup.*, iv. p. 1426. (The King's divorce; judicial proceedings before Wolsey, May 17, 1527.) Cf. Introduction, pp. cclvii–cclix.

wrote strongly to the King against the divorce, and the other bishops only said, that there were reasonable grounds for scruple, and advised the King to lay the case before the Pope and abide by his decision.[1] Henry naturally felt a difficulty about the origin of his scruples. It was therefore planned one day in York Place, between him and Wolsey, that he should ascribe them to a doubt as to the Princess Mary's legitimacy, expressed by the Bishop of Tarbes, the French ambassador, who had come to England in the spring of this year to negotiate her marriage with the King of France, or with one of his sons.[2] But there is not the least trace in the French records that the Bishop ever expressed this doubt;[3] and had he done so, he must have referred the subject to his Court before he signed the marriage treaty on the 20th of April 1527. Nor did either Henry or Wolsey ever state at Rome that the Bishop had expressed this doubt, though it would have greatly helped their cause there.[4]

[1] Fiddes, *Life of Cardinal Wolsey*, p. 184 (*an.* 1527.)

[2] Brewer, *ut sup.*, iv., 1471. (Wolsey to Henry VIII., July 5, 1527.) "I then told him the whole matter of the proposed marriage between Francis and the Princess Mary, and the objection made by the Bishop of Tarbe."

[3] Ibid., Introduction, p. ccxxiii. "This was a political figment arranged between the King and Wolsey, when it had become necessary to take fresh action in the matter," and find some pretext for the King's proposals. Cf. Le Grand, *Histoire du Divorce*, i. pp. 49, *seqq.*

[4] Brewer, *ut sup.*, iv., Introduction, p. ccxxiii. Wolsey, writing to the King (July 5, 1527), practically admits that it "*was devised with you* at York Place."

This falsehood, however, was circulated by them in England, where it could not be contradicted.

Great precautions had been taken to keep Katherine in ignorance of Henry's intention.[1] She had, however, been informed privately of it; and as early as May, the Spanish ambassador had written to the Emperor of the project.[2] In course of time the King and Wolsey had reason to suspect that she was aware of what was going on, and intended to stand up resolutely for her rights. As it was very important that she should be lulled into false security till matters were further advanced, Henry told her, on the 22nd of June 1527, about his scruples of conscience, and the proposed inquiry into the marriage. She burst into tears, and was too agitated to answer. He tried to pacify her by assuring her that the object of the inquiry was not to get a divorce, but merely to remove the doubt as to Mary's legitimacy expressed by the Bishop of Tarbes.[3] In pursuance of Wolsey's advice to treat her always both "g[ently] and doulcely,"[4] Henry again paid

[1] In the same letter as printed in full in the *State Papers, published under the authority of His Majesty's Commission* (1830), i. pp. 196–200, the endeavours to keep Katherine in ignorance of the matter are clearly evidenced.

[2] Gayangos, *Calendar of Spanish State Papers*, iii., part 2, pp. 193, 207, 276. Cf. Brewer, *ut sup.*, Introduction, pp. cclxxvi–cclxxx.

[3] Gayangos, *ut sup.*, p. 276. *State Papers* (1830), i. p. 196.

[4] *State Papers* (1830), i. p. 195. (Wolsey to Henry VIII., July 1, 1527.) "I think convenient, tyl it wer knowen what shuld succede

her a visit at Hunsdon on the 22nd of July, and acted his part so well, that those present who were in the secret were filled with admiration. Katherine's suspicions seemed to be quite removed, and her usual merry expression of countenance was restored. On the following morning when they were going to Beaulieu, he even paid her the unusual attention of waiting for her a long time till she was ready, and then they rode forth in the eyes of his subjects, as a loving, united, and happy couple.[1]

of the Pope, and to what point the French king might be brought, Your Grace shuld handle her both (gently) and doulcely."

[1] Brewer, *ut sup.*, iv. p. 1496. (Sampson to Wolsey, July 25, 1527.)

CHAPTER VI.

EMBASSY TO FRANCE.

WHILE the preparations for procuring the divorce were being secretly conducted in England, a terrible disaster befell the Papal power at Rome. On May 6, 1527, the Emperor's army took the city by storm. The Pope and cardinals fled to the Castle of St. Angelo and were there made prisoners. For seven months, the city was given up to pillage and bloodshed, and outrages were committed unparalleled even in its earlier captures by the barbarians.

The news of this catastrophe was received in England with grief and indignation. A national fast and penitential services were ordered, and were observed with fitting devotion. But to Henry and Wolsey the tidings were not unwelcome, inasmuch as a suitable opportunity was thus afforded of placing Wolsey at the head of the Church during the Pope's captivity, and of thus securing the English king's divorce. This, however, could not be secured without the co-operation of the French king.

It was therefore publicly announced that Henry, as Defender of the Faith, was specially bound to rescue the Pope from captivity, and that Wolsey was going to France to concert the necessary measures.[1] But the true object of his journey was kept secret.

Early in July 1527, Wolsey set out for France as "ambassador extraordinary," with unlimited powers to be used at his discretion.[2] During this embassy, he outdid himself in arrogance and presumption. He travelled in royal state, and was received everywhere with almost regal honours. In France he required his suite to observe to him the same ceremonial as they would to the King himself, and he treated the French ministers with scandalous rudeness and arrogance, boasting "that he had all their heads under his girdle, so that he could rule them as he did the Council in England."[3]

Measures for the liberation of the Pope were quickly concerted. But the question as to the government of the Church during the Pope's captivity was not so easily arranged. Wolsey wished all the cardinals, who were not prisoners in Rome, to meet at Avignon and appoint him to exercise the Pope's authority during his captivity. But

[1] Sander, *The Anglican Schism*, p. 21. Cf. Cavendish, *Life of Wolsey*, p. 66.

[2] *State Papers* (1830), i. pp. 191–193. (Henry VIII. to Wolsey, probably signed June 18, 1527.)

[3] Cavendish, *Life of Wolsey*, pp. 71, *seqq.*

neither bribes nor the pressure exerted on them by the kings of England and France, could induce the cardinals to quit Italy, the Pope having forbidden them to do so as long as he was a prisoner.[1] The only alternative course Wolsey could then suggest was that a special treaty should be made between the two kings, and that a letter should be sent to the Pope begging him to delegate his authority to the English cardinal. By this treaty Henry and Francis bound themselves to reject any bull signed by the Pope during his captivity, and they agreed that whatever the bishops of either country, assembled by the authority of their respective sovereigns, should decide concerning ecclesiastical affairs, with their sovereign's consent, should be decreed and considered as binding, as if it had been done by the Pope. Thus was Henry taught his lesson as future Supreme Head of the Church of England.[2]

The letter to the Pope was signed by Wolsey, three French cardinals, and the cardinal legate in France. It was accompanied by the draft of a bull prepared for the Pope's signature, delegating during his captivity to some suitable person (understood to be Wolsey) his authority and all

[1] *State Papers* (1830), i. pp. 205, 230, 231, 270. (Wolsey's letters to Henry VIII.)

[2] Rymer, *Fœdera* (ed. 1712), xiv. pp. 212, *seqq.*

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Papal powers, whether ordinary or extraordinary, even to the extent of dispensing with the Divine law[1]—though it will be remembered that Wolsey's objection to Pope Julius's dispensation turned on this very point that the Pope could not dispense from the Divine law. When the above letter and draft of the desired bull were completed, Wolsey wrote triumphantly to Henry, that if the proposed commission was carefully studied it would be found that nothing could be better suited to the King's purpose, with less disclosing of the matter, for that he (Wolsey) would have the power to appoint judges to inquire into the divorce without informing the Pope of it, and as Katherine's appeal must be to him, he would be able to give final sentence without any appeal to his Holiness.[1]

The proud consciousness that more than Papal powers thus awaited him, did not, however, suffice to satisfy Wolsey. In the intoxication of his pride he must take these powers on himself at once. Accordingly, after his Mass on the last morning of his stay in France, he authorised the Chan-

[1] *State Papers* (1830), i. p. 271. (Wolsey to Henry VIII., September 5, 1527.) On September 13 the Cardinal again wrote to the King to the same effect. "When the purport of that commission (*i.e.*, the general commission the Pope was to be urged to grant Wolsey) is well studied, it will be found that nothing can be better suited to your purpose, with less disclosing of the matter." (Brewer, *ut sup.*, iv. p. 1553.)

cellor of France, whom the Pope had promised to make a cardinal, to assume a cardinal's title and dress.[1]

But while Wolsey was thus revelling in his fancied greatness, the ground was in reality giving way beneath his feet. Before he left England Anne Boleyn and her friends had succeeded in awaking a doubt in Henry's mind as to the zeal of his minister for the divorce,[2] and now, during his absence, it was easy enough to rouse Henry's suspicious temper by pointing out that all Wolsey's arrangements in France redounded more to his own glory than to the King's benefit. Henry, therefore, without consulting him, despatched Dr. Knight, his chief secretary, to Rome, and persisted in his selection of Knight for this important embassy, in spite of Wolsey's representations that certain Italians, who were in the secret, would more easily obtain access to the Pope.[3] Moreover, he gave Knight directions which were to be kept secret from Wolsey, and forbade him to present to the Pope the commission appointing Wolsey his Vicar-General, which the Cardinal had unsuspectingly entrusted to

[1] Pocock, *Records of the Reformation*, ii. p. 90. (Life of Wolsey, by an unknown contemporary, preserved in the Vatican Library.) Cf. Cavendish, *Life of Wolsey* (ed. Morley), p. 94.

[2] *State Papers* (1830), i. p. 194. (Wolsey to Henry VIII., July 1, 1527.)

[3] Ibid., p. 20. (Wolsey to Henry VIII., August 24, 1527.)

him as he passed through Paris.[1] This treachery, however, proved harmless, because the Pope recovered his liberty before Knight saw him, and Wolsey's dream of being his Vicar consequently was never realised. But it showed how completely Henry's feelings towards his minister were changed.

At the end of September 1527, Wolsey returned to England, triumphant at the success of his mission. He expected to be received with extraordinary honours. Great then was his surprise to find that he did not stand quite so high in the King's favour as before. Soon after his arrival, Henry told him that he intended to marry Anne Boleyn. On his knees the Cardinal besought him to give up his intention. But all his arguments were uttered in vain. Then, seeing that remonstrance was fruitless, Papal Legate, Cardinal, Archbishop, and Priest though he was, he shamelessly turned round to pay his court to Anne, and gave a splendid banquet at his archiepiscopal palace to her and her royal paramour.[2]

[1] Brewer, *Calendar*, iv. p. 1552. (Knight to Henry VIII., September 12, 13, 1527.) Also p. 1553. (Wolsey to Henry VIII., September 13.)

[2] Sander, *The Anglican Schism*, p. 30. Cf. Cavendish, *Life of Wolsey*, p. 57.

CHAPTER VII.

FIRST EMBASSY TO THE POPE.

THE removal of the cause to Rome, under the influence of Anne Boleyn, opened Wolsey's eyes to the perilous position in which unwittingly he had placed the Church, the kingdom, and himself. He knew on the one hand, that the objections which he had raised to the King's marriage would not stand the test of a fair trial at Rome, and on the other, no one understood better than he that Henry would never brook opposition to his will, even from the Pope himself, and that those, in whose hands the King now was, would spare no effort to stimulate his imperious temper to the utmost. On the 6th of December 1527, Wolsey wrote to Casale, his confidential agent, bidding him press strongly on the Pope, that if he were not compliant, or if the thing could not be done, the King's enmity would be fraught with the most terrible consequences, disregard for the Papal authority must increase from day to day in England, and Wolsey's own life would be shortened.[1]

[1] Brewer, *ut sup.*, iv. p. 1638. (Wolsey to Gregory Casale, December 6, 1527.)

Doctor Knight arrived in Rome at the beginning of December. As Wolsey had foreseen, he could not get access to the Pope.[1] A few days later his Holiness escaped to Orvieto, and thither Knight also repaired. But as there were many Spaniards in the city, the English agent, Gregory Casale, did not venture to take him to the Pope till after dark.[2]

Pope Clement VII. was a man of great and varied attainments. He was versed in theology, philosophy, science, and art, and was remarkable for extraordinary acuteness and sagacity in unravelling and penetrating to the bottom of the most intricate questions.[3] But as he was not a lawyer he refused to pledge himself to grant Henry's requests till he had consulted Cardinal Sanctorum Quatuor.[4] Knight and Casale went at once to the Cardinal, and in obedience to their instructions, promised him "a competent reward" if he would favour their suit. But the Cardinal told them plainly, that the commission authorising an inquiry into the marriage, which they had brought ready for the Pope's signature, "could not pass without perpetual dishonour to the Pope, the King, and Cardinal Wolsey." He

[1] Brewer, *ut sup.*, p. 1633. (Knight to Henry VIII., December 4, 1527.)

[2] Ibid., p. 1662.

[3] Leopold von Ranke, *History of the Popes*, translated by E. Foster in Bohn's Standard Library (1846), l. i., c. 3, p. 75.

[4] The cardinal thus referred to in the documents was Lorenzo Pucci.

therefore altered it. Henry's proposed dispensation fared no better. It was, in fact, a dispensation to have two wives at once, and Knight had already written to Henry from Paris that he had doubts whether it were possible to get it.[1] But priest and a dignitary of the Church as he was, he had no scruple in trying to do so. Though the commission and the dispensation in their altered form were useless for Henry's purpose, yet Knight wrote to Henry that he had given Cardinal Sanctorum Quatuor 2000 crowns.[2] Three months later, however, Casale confessed that the Cardinal had refused the bribe,[3] and Wolsey also cleared him from this charge of simony and sacrilege.[4]

The Pope, however, was reluctant to grant the commission for the proposed inquiry into the marriage, even in its altered form, because the Emperor had sent the General of the Observants to prevent his doing so. Clement declared that he was living at the mercy of the Imperialists, who

[1] Brewer, *ut sup.*, iv. 1552. (Knight to Henry VIII., September 13, 1527.)

[2] Ibid., p. 1674. (Knight to Wolsey, January 1, 1528.)

[3] Pocock, *Records*, i. p. 102. (Copy of a letter from Gardiner and Fox to Wolsey, giving a detailed account of their interviews with the Pope, March 31, 1528.) "It should be displeasant to his grace to understand that the said Cardinal hath refused to take the two thousand crowns offered by Mr. Secretary and Mr. Gregory, which his highness thought verily he had accepted and taken."

[4] Burnet, *History of the Reformation in England* (ed. Pocock), iv. p. 47. (Wolsey to Gregory Casale.)

held his states, that the French and Florentines wished for his destruction, that his only hope was in the Emperor, and that if he signed the commission this last hope would be destroyed. At length, when Casale swore that Henry would never desert him, he signed the document, saying, that he put himself into Henry's hands and trusted to Wolsey's goodness.[1] Thus did the Pope free himself from the Emperor's control at the very opening of the suit for the divorce.

The failure of Dr. Knight's embassy sufficed to prove how incapable were the new advisers whom Henry had lately chosen. A second embassy, under Wolsey's direction, must be sent to Rome at once, and entrusted to persons of greater ability and experience than Knight. It was composed of Stephen Gardiner, a priest in Wolsey's household, Edward Fox, chaplain to the King, and Gregory Casale. Wolsey recommended Gardiner to the Pope as his other half who knew all his secrets.[2] In the world he was notorious for his insolence to equals and inferiors, and his servility to superiors—qualities which only fitted him the better for Wolsey's purpose.

[1] Brewer, *ut sup.*, iv. p. 1662. (December 31, sent in behalf of Gregory Casale.)

[2] Ibid., p. 1740. (Wolsey to Clement VII., 1528.) The date "Rome, February 10, 1528," given to the letter in Burnet (ed. Pocock, iv. p. 46), is taken from a modern heading.

CHAPTER VIII.

SECOND EMBASSY TO THE POPE.

On the 20th of March 1528, Gardiner and Fox arrived at Orvieto, where the Pope was still staying. It was a dilapidated old town, and even the necessaries of life were so scarce that the King's ambassadors would have been in absolute want if Gregory Casale had not given up his own lodgings to them, borrowed beds, and provided food at great trouble and expense.[1]

On the 22nd of the month, Mid-Lent Sunday, they had their first audience of the Pope. He was living in a ruinous Episcopal palace, almost alone; for most of the cardinals and bishops had gone to their own homes when he left Rome.[2] After passing through three rooms, unfurnished and partly unroofed, in which stood about thirty persons, mostly "rif-raf," the ambassadors came into the Pope's private bedroom, the furniture of which, "bed and all," was "not worth twenty nobles,"[3]

[1] Pocock, *Records*, i. p. 88. (Gardiner and Fox to Wolsey, March 23, 1528.)
[2] Ibid., p. 35. (Gregory Casale to Wolsey, December 22, 1527.)
[3] Ibid., p. 35. (Gardiner and Fox to Wolsey, *ut sup.*)

while his throne was only "a form covered with a piece of an old coverlet not worth twenty pence."[1] The Pope received them with warm expressions of affection and gratitude, to which all around him heartily responded.[2] He invited them to discuss their case informally with him, and promised to give, without delay, such a decision as they could reasonably desire, and as would be consistent with law and equity, and his own and the King's honour.[3]

From this promise, Pope Clement VII. never swerved during the six long years the case was before him. He always favoured Henry whenever he could justly do so, so that the Emperor and Katherine had often reason to complain of him; but he never overstepped in the least point the limits of law and equity.

Law and equity were not, however, what Henry and Wolsey wanted. Hitherto the King had pleaded a troubled conscience, but now he wrote plainly that he wanted heirs to his throne.[4] He asked Cardinal Sanctorum Quatuor, in a tone almost of command, to alter the dispensation and commission in accordance with his marginal notes, declaring authoritatively that his cause was just and holy,

[1] Pocock, *ut sup.*, p. 100. (Same to same, March 31, 1528.)
[2] Ibid., pp. 95, 97, 108. [3] Ibid., p. 95.
[4] Ibid., p. 60. (Draft of a letter from Henry to Cardinal Sanctorum Quatuor.) Cf. p. 28.

that the Pope ought to grant his request, and the Cardinal would be responsible if it were refused.[1] Such was the tone in which from first to last Henry conducted his cause. While going through the form of appealing to the Pope's judgment, he passed sentence in his own favour, and laid his commands on Christ's Vicar. The alterations he demanded in the dispensation and commission were of a startling character. All allusions to the existing marriage were to be expunged from the dispensation, so that it would really become a dispensation to have two wives at once, similar to the proposal formerly made by Dr. Knight. The commission of inquiry was to be changed into a decretal commission; that is to say, into a commission to publish a bull decreeing the dissolution of the marriage, if the objections raised to it were proved to rest on true facts. Both the objections and the facts had already been brought forward by Wolsey, still the English cardinal and another legate were to be empowered to inquire, "privately, and without judicial formalities," into the truth of these facts, and if they were proved to be true, which of course they must be, since they had been advanced by Wolsey himself, the legates, or one of them, if the other objected, would be authorised to

[1] Pocock, *ut sup.*, p. 61. (Same.)

dissolve the marriage notwithstanding any sentence the Pope might hereafter pronounce.[1] Thus Wolsey would, in the event of his request being granted, be the final judge of his own statements, and Katherine might be divorced without any possible redress from the Pope, before she even knew that any inquiry into her marriage was being made. This proposed bull is characteristic of Wolsey's policy throughout the whole of the divorce business. His sole aim was by means of some cunning stratagem to get the power of giving final judgment into his own hands, so that he might then pronounce sentence in Henry's favour, thus plainly indicating that he knew there was no chance of success if the case were put to the test of a fair inquiry.

The English ambassadors tried again to bribe Cardinal Sanctorum Quatuor, but again Gregory Casale was obliged to report that he "could in nowise cause the said Cardinal to take one penny by no means."[2]

The form of the commission, under which the case was to be tried, was the first point discussed. Gardiner insisted on having the proposed decretal commission. The cardinals refused to sanction such a grant, because it was unusual, and they advised him to be satisfied with the customary

[1] Burnet, *History of the Reformation* (ed. Pocock), iv. p. 48.
[2] Pocock, *Records*, i. p. 102. (Gardiner and Fox to Wolsey.)

general commission. Gardiner wrote to Cardinal Wolsey a full account of the discussion from his own point of view. He told him how the Pope and his advisers listened to his wrong-headed arguments and his insolent remarks hour after hour, and day after day, sometimes from morning till night, and even till after midnight,[1] without uttering a single angry word or grave rebuke, though he recorded language of his own, which it could not be believed on any other evidence that a Catholic, much less a priest, could have addressed to Christ's Vicar.

The discussion dragged on from the 24th March 1528, to Passion Sunday, the 29th. Gardiner's hopes of success must by this time have sunk very low, for he left off arguing and took to threatening. He told the Pope plainly, that if in the manner and form of obtaining justice, no more respect was shown to the King's person and the weight of his cause than to those of common people, he did not doubt but his majesty would seek a "remedy at home from his own subjects" (*Domestico remedio apud suos*). But even after he had said this, and much more to the same purpose, the cardinals only looked at each other and paused for a time in silence.[2] At last his Holiness replied that the

[1] Pocock, *ut sup.*, p. 130. (Gardiner, Fox, and Gregory Casale to Wolsey, April 1, 1528.)

[2] Ibid., p. 110.

common course of the curia could not be a law to bind him, and if in the law the reasons alleged by Henry were found to be just and sufficient to maintain a sentence of divorce, he would grant a decretal commission without regard to any existing custom, adding, "if the Emperor grudge thereat he cared not."[1]

The discussion was now removed from a question of form to one of law. The Pope was a great lover of justice, and never judged hastily. It was his habit to listen to every one who had anything to say or any advice to give on any subject under discussion, and then, uninfluenced by others, to decide for himself. He now consulted Cardinals Sanctorum Quatuor, De Monte, Ancona, and other prelates on this great matter. The opinion of the Cardinal of Ancona carried great weight, not only because he was the best lawyer in Rome, but because he had been secretary to Pope Julius II., when the dispensation was granted, and he was therefore thoroughly acquainted with the subject.

It was now to be decided whether the reasons for which the divorce was demanded were sufficient in law. The decision was a very important one, not only as it affected the parties immediately concerned and their political relations, but because

[1] Pocock, *ut sup.*, p. 111.

any judgment given by the Pope would be binding on Catholics forever, and thus would modify the existing marriage law of the Church. Henry demanded the divorce on three grounds. First, that marriage with a brother's wife was contrary to the Divine law; secondly, that the dispensation had been obtained on the false and insufficient pretences, that peace and friendship between England and Spain would be promoted, whereas at that time there was no reason to fear that peace would be broken, and also that Henry himself had wished and asked for it, whereas he being only twelve years old, was too young to do so; and thirdly, because, as soon as Henry was old enough, he had broken off the engagement.[1]

All these reasons were obviously either false or frivolous. It was false that a marriage with a brother's wife was contrary to Divine law, because God had actually ordered such marriages under similar circumstances. It was also untrue that the dispensation was asked for on false pretences, because there was at that time no reason to fear peace would be disturbed. On the contrary, at that time war between England and Spain was imminent, on account of the dispute about Katherine's marriage portion and dower, and such a war would have had a disastrous effect on the internal

[1] Pocock, *ut sup.*, p. 28.

position of both countries. As to the objection that Henry was too young to wish or ask for the marriage, it was then, and still is the custom for parents to act in the name of their child who is a minor, and their doing so is so well understood that it is not a false pretence. Finally, Henry's protest made, as soon as he was fourteen, against the marriage contract his father had entered into in his name, while he was a minor, could not in any way affect the Pope's dispensation, which remained equally in force, whether he availed himself of it or not. This third ground for demanding the divorce was consequently frivolous.

Gardiner was fully aware that the law of the Church could not possibly sanction a divorce after nearly twenty years' marriage on such false and frivolous grounds. His only chance of gaining his point, therefore, was to work on the Pope personally, while the consultation with the lawyers was being carried on, and before they had arrived at a decision.

Accordingly he went to his Holiness on the 1st April 1528, and though he had just written to Wolsey, that the Pope's promise to grant the decretal commission was only conditional, he boldly called on him to fulfil this promise as if it had been absolute. But his Holiness, instead of rebuking him for this falsehood, only repeated quietly what

he had formerly said. Gardiner replied by urging him to form an opinion for himself in accordance with the book Henry had written in favour of the divorce and the opinions of learned men in England. But his Holiness gently answered, he would not be acting as a good Pope and as an impartial judge were he to take them for his advisers in their own cause, and his ignorance of law, for which he was sorry and ashamed, being notorious, the Church would be slandered and he would be proved to be either rash or too credulous, were he to be persuaded by one side in a suit without hearing the other. Whereupon Gardiner upbraided him for caring too much for the opinion of the world, and with being doubly ungrateful by having lately raised the King's hopes and now denying his just petition. Still the Pope was unmoved, and at last Gardiner took to his usual argument of bribes and threats. But still in vain, for his Holiness only answered humbly, that "he would do the best he could."[1]

On Friday, 3rd April 1528, the ambassadors were summoned to the presence of the Pope to hear his decision. They were told that the reasons for which the divorce was demanded, were not so manifestly just, that his Holiness could pronounce

[1] Pocock, *ut sup.*, i. pp. 120–122. (Gardiner, Fox, and Gregory Casale to Wolsey, April 1, 1528.)

a decree without hearing the other party. Nor could he, on grounds of such doubtful justice and equity, grant a decretal commission, which would be a common law binding hereafter on all the world.[1] A general commission, with a promise that its sentence would be confirmed by the Pope, was however offered.

In answer, Gardiner repeated his former arguments, winding up with a torrent of abuse, falsehoods, and threats, accusing the Pope and his advisers of duplicity and keeping their doubts to be solved in favour of the party whose arms were successful, so that if the Emperor was victorious, "they might with their honesties lean to him." He was, however, obliged to confess that even these wild insults were heard patiently.[2]

The next day the ambassadors, finding themselves alone with the Pope, "spake roundly" to him, as they had been instructed to do, and threatened that the King "would do it without him." This threat of schism touched the Pope to the quick, and even moved him to tears. Sighing and wiping his eyes he said, in a matter in which the rights of a third person were concerned he must do nothing without advice, and he only wished he

[1] Pocock, *ut sup.*, p. 143. (Fox to Gardiner, with account of his reception at Court upon his return to England.)

[2] Ibid., pp. 124–127. (Gardiner to Wolsey, *ut sup.*)

could grant the King something to his own hurt, without touching any one else's rights.[1]

Gardiner now tried what he could do by fraud. He made Gregory Casale suggest to the Pope that he might give the decretal commission, to be kept secret and shown only to the King and his Council, while the public inquiry would be conducted under the general commission. But Gardiner had explained four days before to Wolsey, that, notwithstanding this promise, they could show it as an authoritative expression of the Pope's will, to all who were opposed to them in opinion, and even to the judges as a rule for their guidance.[2] The Pope said he would think about it. This being a question of morality and not of law he did not need any advice, and on the following morning he answered, "If it could be done justly, it ought to be done publicly, but if it could not be done justly, it would be in the highest degree disgraceful, and a cause of disturbance to conscience, to do it secretly." Gardiner replied, "Because it is just it ought to be done publicly; but because fear of the Emperor prevents its being done publicly, it may without fear be done secretly." This impertinence passed unnoticed, but the ambassadors could get no further answer.

[1] Pocock, *ut sup.*, p. 127.

[2] Ibid., p. 92. (Gardiner and Fox to Wolsey, March 31, 1528.)

Hopeless of getting the decretal commission, the ambassadors now set to work to draw up a general commission in the form that would best serve their purpose; but when they showed their draft to Simonetta, Dean of the Rota, he objected to the last part. They then took it to Cardinal Sanctorum Quatuor, who objected to the first part, and sent them to Cardinal de Monte. He listened in silence while they read it to him, and then, without hearing what they had to say, sent them away, as the cardinals and prelates wished to consult alone about the proposal.

All that afternoon (Monday in Holy Week) and the next day they could only go backwards and forwards to the Pope and the cardinals to find out if possible what was being done. They sent for Simonetta, but he was sworn to secrecy. At last, on Tuesday evening, the Pope showed them the commission that had been drawn up. Gardiner flew into a rage and accused his Holiness of double dealing and a wish to delude them, "with as sore words as he could devise." The Pope said he would make any alteration they desired, if Simonetta would say it was not contrary to justice. Simonetta was sent for, but he refused to answer without consulting the cardinals. Notwithstanding this answer, they went on arguing for seven hours, till one o'clock on Wednesday morning, "trusting," as Gardiner

wrote, "by importunity to have obtained our purpose." But the Pope would not be either worried or wearied into acting unjustly.

The next morning they went again to the Pope before he had said mass, and argued for four long hours. But notwithstanding their insolence the cardinals read over the commission in a "friendly spirit," and made such alterations as justice would allow. In the evening they argued with Simonetta in the Pope's presence, and at last got him to agree with them on all except two words, which they thought would enable Wolsey to pass a final sentence, even if the other legate refused. But on these two words Simonetta made a stand. The cardinals were sent for; they answered, they were at their supper and would look into their books next day. Gardiner broke out again into violent abuse, accusing the cardinals of ignorance and suspicion, and laying the blame of their conduct on the Pope, who had eyes, but saw not. The Pope listened in silence to this personal abuse, only sighing and wiping his eyes; but when Gardiner went on to threaten the Church and the ruin of the Apostolic See, he could stand it no longer. Throwing up his arms, he bade them put into the commission the words they desired. Then starting up he walked up and down the room in great agitation, raising his arms from time to time. Even they were awed by the

agony of Christ's Vicar, and looked on in silence till at last, recovering himself, he retracted what had been extorted in his anguish, and said he was very sorry he could not satisfy them without consulting others. As it was now an hour past midnight, he dismissed them.

The next day, notwithstanding Gardiner's insolence, the Pope and cardinals conversed with the ambassadors in "a friendly and loving manner." The disputed words were put into the document, and no further difficulties occurred.[1] The commission was signed on Monday the 13th April 1528,[2] barely three weeks after their first interview with the Pope. In handing it to the ambassadors, the Pope bade them tell Henry and Wolsey, that the sending of this commission was a declaration against the Emperor, and that he committed himself to their protection.[3]

Gardiner having made himself ill by reason of crying, speaking, chafing, and writing[4] during the

[1] Pocock, *Records*, i. pp. 128–133. (Gardiner and Fox to Wolsey, April 1, 1528.)

[2] Rymer, *Fœdera*, xiv. p. 237. This commission was made out in the name of Wolsey alone, with Warham or some other English bishop for his assessor. After Campeggio accepted the office of co-legate with the English cardinal, another commission, dated June 8, 1528, was drawn up with his name inserted together with Wolsey's. Otherwise the second commission was identical with that first issued. (Cf. Pocock, *Records*, i. p. 167.)

[3] Pocock, *Records*, i. p. 133. (Gardiner, *ut sup.*)

[4] Ibid., p. 135.

late discussions, sent Fox to England with the commission. As soon as he was sufficiently recovered, he himself went to Rome in order to persuade Campeggio to accept the office of Legate in conjunction with Wolsey. The Pope had offered Henry the choice out of six cardinals;[1] but Campeggio was the only one whom the ambassadors thought eligible. He was very poor, having lost all he possessed in the sack of Rome, and moreover he held the bishopric of Salisbury, for the revenues of which he depended on Henry, and it seems never to have occurred to them that a man in such a position could fail to be subservient to their master's will. The Pope preferred him for the very opposite reason, knowing that he could depend implicitly on his gentle firmness and incorruptible integrity.

Thus was the great cause opened before the Pope. The embassy of Gardiner and Fox may be looked on as a complete epitome of the whole case. Though Henry's pertinacious refusal to give up the suit, or to accept any sentence not in his own favour, and his perverse ingenuity in devising pretences for delay, caused it to drag on for six long years, yet during that time, and amid ever-varying incidents, no new legal or practical point

[1] Burnet, *History of the Reformation* (ed. Pocock), iv. p. 41. (Gregory Casale, January 13, 1528.)

was raised. Already Henry had avowed his only motive for demanding a divorce, and the sole grounds on which he rested his demand. Already the Pope had distinctly declared these grounds to be insufficient in law, and as no other grounds were ever brought forward, since none existed, his final sentence was already foreshadowed. The fraudulent character of the proposals of Henry and his agents at Orvieto, unmistakably revealed that henceforth they intended to use legal forms in the case only to frustrate all law and justice. At the same time Henry's peremptory assertion that his demand was just and holy, and must not be denied, coupled with Wolsey's grave warning and Gardiner's insolent threats, left no doubt what the final issue must be. The Pope's great distress whenever that issue was hinted at, proves that he already foresaw it, probably more clearly than those around him did, because he saw more plainly than they could be expected to do, that the Vicar of Christ, who is the Eternal Judge, could not possibly give judgment contrary to justice and equity.

It was, however, not with the future, but with the present that the Pope had to deal. Henry had asked for an inquiry into the validity of his marriage to soothe a troubled conscience. The humblest Catholic was entitled to relief in such a case, and quite as much therefore a powerful king,

hitherto the most devoted prop of the Church, on whose will hung the fate of millions of the Pope's most loyal children. The Pope had promised him the inquiry, and though sinister motives now revealed themselves, he could not withdraw from his plighted word. He had granted him the favour of choosing his own judge, and he had selected the very man whom the Pope preferred to all others.

Gardiner had taunted the Pope with denying justice to Henry through fear of the Emperor. The accusation was repeated parrot-like by all Henry's agents, and it has been handed down to the present day. The Pope would have been more than human if, after all he had suffered, he had not feared the Emperor. Still, whilst the horrors he had witnessed, and the terrible sounds he had heard must still have been vividly present in his memory, he had twice defied the Imperial will for the sake of Henry and of justice.

CHAPTER IX.

DISAPPOINTED HOPES.

Fox arrived at Greenwich at five o'clock on Sunday afternoon, the 2nd of May 1528. The King was engaged and bade him go to Anne Boleyn's apartment. There the King soon joined him and questioned Fox closely about all details of the commission, especially about the Queen's right of appeal, and Fox referred him to the words, which Gardiner had wrung from the Pope in his agitation. But the King was not satisfied, and bade him go that night to Wolsey.

It was half-past ten when Fox arrived at Durham Place, where Wolsey was staying, while York Place was being rebuilt in a magnificent style. The Cardinal was in bed; but Fox was at once admitted. On glancing over the commission Wolsey was perplexed, fearing it was of no more value than the former one. During the three following days he held repeated consultations with learned lawyers, and at last he ventured to tell the King that it would answer their purpose as well as the decretal commission would have done.[1]

[1] Pocock, *Records*, i. pp. 141–146.

Still, in reality, the more he studied the commission the less he liked it. It did not limit the inquiry to the points suggested by himself, nor did it make any change in the law of the Church concerning marriage, as he had hoped. On the contrary, it bound the legates to ascertain the validity of Pope Julius's dispensation, and of the marriage according to the existing laws (*juris ratio*) of the Church, which he well knew could not be twisted to meet his purpose. Moreover, the lawyers pointed out that the words, "*juris ratio*," gave the Queen a right to appeal to the Pope, notwithstanding the final words, to which Gardiner and Fox had ignorantly attached undue value.[1] It was evident that, in spite of the hopes and assurances of the ambassadors, this commission was not more satisfactory than the preceding one. Wolsey did not, however, venture to say this to the King. On the contrary, he flattered him with declarations about the justice of his cause, and impressed on him his own pretended conviction that nothing contrary to the usual process of the law was required, so that even if the Queen did appeal it would only more certainly advance his suit.[2]

He lost, however, no time in ordering Gardiner, who was still in Italy, to consult learned men about various points which he hoped might enable him to

[1] Pocock, *Records*, i. pp. 152, 153. (Fox to Gardiner.)
[2] Ibid., p. 153.

evade the Pope's intention to have the cause tried according to law and justice. He especially bade him make the strongest efforts to get the decretal in the form already demanded, and he directed him to take "a most sacred oath" (*in animam suam*) that he would never show it to any one except the King,[1] though at the same time he explained to Gardiner how he could turn it to account by showing it to the opponents of the divorce, in order to bring them round to his own view.[2] The King also ordered Gardiner to represent to the Pope, how the refusal of this request would inspire the King with doubts as to the sincerity of his Holiness's friendship, and withdraw him from the devotion which he had hitherto shown him.[3] A few weeks later Wolsey wrote to the Pope himself, with the most pressing earnestness, entreating him, if he wished to retain the devoted service of the King and his kingdom, to preserve the dignity of the Apostolic Chair, and to save his (Wolsey's) life, to grant the decretal commission, so often asked for, which he would undertake to keep secret.[4]

Casale did actually succeed in wringing from the Pope a reluctant promise that he would send it.[5] But when he came to consult Cardinal Sanctorum

[1] Pocock, *ut sup.*, p. 149.
[2] Ibid., p. 147.
[3] Ibid., p. 154.
[4] Ibid., p. 166. (Wolsey to Pope Clement, May 23, 1528.)
[5] Ibid., p. 172. (Gregory Casale to Wolsey, June 15, 1528.)

Quatuor and Simonetta, they told him that he could not do so, as indeed was obvious, since the reasons for the divorce stated in it were insufficient in law. The Pope thereupon at once retracted his promise.[1] His Holiness seems, however, to have been really alarmed for Wolsey's life, and therefore out of compassion, and as the only means to save it, he sent him secretly by Campeggio a decretal, which was to be shown only to him and the King and then burnt immediately.[2] The tenor of this decretal is not known, because there is no trace of it in the records, whether at Rome or in England. But three things connected with it are quite certain. First, it could not have been the same decretal as was drawn up in England and sent to Rome by Knight, and again afterwards by Gardiner and Fox, but on both occasions refused by the Pope, because in the following February, Gregory Casale in a letter to his cousin Vincent, who had taken part with him in the negotiations for the decretal entrusted to Campeggio, wrote in reference to the former decretal: "I told you the Pope would do all that could be done; but there are some things the Pope cannot do, *as for instance this decretal bull.*"[3]

[1] Pocock, *ut sup.*, p. 198. (Bryan and Vannes to Wolsey, January 9, 1529.)

[2] Burnet, *History of the Reformation* (ed. Pocock), iv. p. 65. (John Casale to Wolsey (?), December 17, 1528.)

[3] Brewer, *Calendar of Letters and Papers*, iv. p. 2333. (Gregory Casale to Vincent Casale, February 16, 1529.)

Gregory could not possibly have written thus if Vincent had known that the Pope actually had given this very decretal bull, and had the Pope done so, Vincent must have known it, since he had taken part in the negotiations about it. Secondly, it could not have declared Henry's marriage with Katherine null and unlawful, as Henry after his marriage with Anne ordered all preachers to declare,[1] for if Wolsey had ever seen such a bull, he might at once have given sentence in Henry's favour, and Henry might have married Anne, neither of which were ever attempted. Thirdly, whatever may have been the tenor of the decretal, it is certain that it did not in any way affect the trial before the legates.

[1] Burnet, *History of the Reformation* (ed. Pocock), vi. p. 88. (An order for preaching.)

CHAPTER X.

IN ENGLAND.

A YEAR had now elapsed since the first steps to obtain the divorce had been taken, and in spite of every precaution the great secret had oozed out. It was the common subject of conversation in taverns, alehouses, barbers' shops, and in the private dwellings of all classes.[1] The whole nation with one voice declared itself in favour of Katherine, who was more beloved than any English queen had ever been before.[2] All who supported the divorce were publicly insulted. Wakefield, the Professor of Hebrew at Oxford and one of the King's advisers, said that if the people knew he was writing against the Queen they would stone him to death.[3] All the women took up Katherine's cause as their own, for if her marriage was set aside, not one of them could feel sure of being lawfully married. The King's sister Mary, the Queen-Dowager of France,

[1] Harpsfield, *The Pretended Divorce*, p. 177.

[2] Rawdon Brown, *Venetian State Papers*, iv. p. 292. (Report of England, by Lodovico Falier, November 10, 1531.)

[3] Knight, *Life of Erasmus*, Appendix 28.

was so alarmed that she applied to the Pope for a bull confirming her own marriage with the Duke of Suffolk, who had a divorced wife still alive. So serious was the popular discontent, that both the Spanish and Milanese ambassadors expected the people to rebel if Katherine was divorced and Henry married Anne.[1]

Private remonstrances to the King, too, were not wanting. Anne's father, Lord Rochford, hurried over from France to warn him not to marry her, on the ground of his previous connection with his wife and elder daughter.[2] Sir George Throckmorton, one of the courtiers on familiar terms with Henry, pressed the same objections on him.[3] Sir Thomas Wyatt, who in past years had playfully declared himself Henry's rival for Anne's favour, now gravely laid before him undoubted proofs of her immoral life.[4]

But in spite of all remonstrances and warnings, Henry persisted in his scandalous course. So hardened had his heart become and so servile were his courtly bishops and chaplains, that he continued

[1] Rawdon Brown, *ut sup.*, p. 252. (Augustino Scarpinello, the Milanese envoy to Duke of Milan, August 15, 1530.) Cf. Gayangos, *Calendar of Spanish State Papers*, iii., part 2, pp. 194, 207.

[2] Sander, *Rise and Growth of the Anglican Schism* (translated by D. Lewis), p. 28.

[3] Brewer, *Calendar*, iv., Introduction, p. cccxxix, *note.*

[4] Harpsfield, *ut sup.*, p. 253. Nicholas Sander, *ut sup.*, p. 28, tells the same story with some variations

his usual religious observances, and even received Holy Communion whilst leading this life.[1] Not even under the fear of immediate death did his conscience awake. In June, 1528, the pestilence, called the sweating sickness, broke out. A dozen years before, ten or twelve thousand persons had been carried off in twelve days. The present outbreak, though not so fatal, still attacked some forty thousand in London alone within a fortnight, and of these two thousand died.[2] Anne Boleyn was taken ill on the 16th June. The Court was immediately broken up, and the King kept moving from place to place with the fewest possible number of attendants. But even these few diminished. Sir William Compton, his great favourite, Sir Francis Poyntz, esquire of the body, and William Cary, Mary Boleyn's husband, died, and Anne's father, her brother, Fitz-William the treasurer and many others fell ill. In great terror, Henry shut himself up for a time in a tower with his physician, and took his meals alone.[3] He spent his time in acts of devotion, confessing and receiving Holy Communion, making his will, or prescribing to Wolsey and his other favourites how

[1] Brewer, *ut sup.*, iv. p. 1912. (Thomas Hennege to Wolsey, June 11, 1528.) "This day the King has received his Maker at the Friars', when my lord of Lincoln administered."

[2] Ibid., p. 1924. (Du Bellay to Montmorency, June 18, 1528.) Cf. also p. 1941. (Same to same, June 30.)

[3] *State Papers* (1830), i. p. 296. (Brian Tuke to Wolsey, June 21, 1528.)

to guard against infection and how to treat the disease.[1] During the height of his alarm, he saw more of the Queen than he had done for some time, but still his thoughts apparently centred in Anne Boleyn. As soon as she was sufficiently recovered, she went to her father's house in Kent. Henry wrote frequently to her in gross and passionate terms which throw a slur on her modesty and virtue, and leave no doubt as to the nature of their connection.[2] As soon as the danger of infection had subsided, he wished her to return to the Court, but she seems to have made some difficulty about doing so, till Henry consented to place her in a different position to what she had hitherto occupied. Magnificent apartments were fitted up for her under Henry's superintendence, and she had a separate establishment, in order to save her the unpleasantness of meeting the Queen, whilst the courtiers gathered round her and paid her far more respect than for a long time they had been accustomed to pay to the Queen.[3] It was hoped that the nation would thus become gradually used to look upon her as their Queen.

The result, however, was the exact contrary of

[1] *State Papers*, pp. 293–315. (Same to same, June 23, 1528.)
[2] Brewer, *Calendar*, iv. pp. 378–384.
[3] Ibid., p. 2177. (Du Bellay to Montmorency, December 9, 1528.) Cf. also pp. 2021, 2207.

what had been intended. The national sense of decency was only more and more outraged by this shameful display of vice, and this public insult to their much loved Queen. The popular feeling was so plainly shown, that Henry thought it prudent to take steps at once to conciliate and intimidate the nation. Accordingly, on the 8th November, he assembled his Council, the judges, the Lord Mayor and Corporation of London, and the principal nobles at his palace of Bridewell. He spoke to them in the warmest terms of the Queen Katherine's virtues, nobleness, and princely qualities, assuring them that were he to marry again, and were a marriage with her lawful, he would take her rather than any other woman. But, notwithstanding her worthiness and his having a fair daughter by her, his conscience was wonderfully tormented, because learned men told him he had been living all this time with her in detestable and abominable adultery. He had, therefore, consulted the Pope, who had appointed two legates to hear the cause, and he was determined to abide by their judgment. If they should decide that by the law of God she was his lawful wife, nothing in all his life would give him more pleasure. He added, as a further motive for the inquiry into the legality of his marriage, the falsehood concocted by him and Wolsey, that the French ambassador, in negotiating

his daughter's marriage with the French king's son, had expressed a doubt as to her legitimacy, and he wished earnestly to secure an undisputed successor to his throne. He could not, however, close his speech without a manifestation of his savage temper, and he finally declared he was determined to carry out what was reasonable, and meanwhile if any one spoke of his Prince in other terms than he ought, he would let him know he was his master. There was never a head so dignified that he would not make it fly.[1]

This speech utterly failed to deceive any one. People were only more and more disgusted by the King's audacious hypocrisy in speaking so warmly in the Queen's praise, and in pleading conscientious scruples, which were belied by his shameful display of vice. The nation was so uneasy, and seemed so disposed to revolt, that the King was alarmed. A search for arms was made, and all strangers were ordered to leave the kingdom. But as it was reckoned there were above 15,000 Flemings in London alone, this order was not easily carried out.

[1] Harpsfield, *The Pretended Divorce*, p. 179. Hall *ap.* Brewer, *Calendar*, iv., Introduction, p. ccccxxiii.

CHAPTER XI.

THE LEGATE.

CAMPEGGIO'S appointment as legate was known in England at the beginning of May, 1528, and his arrival was expected to take place within a few weeks. But month after month slipped away. The summer was gone and the autumn well advanced, and yet he did not appear. Henry's increasing impatience rose almost beyond bounds. To Campeggio the acceptance of the office had been no common sacrifice. His former visit to England must have taught him that his present task would be attended with extraordinary difficulties and responsibility, added to which, his great sufferings from gout made it next to impossible for him to perform the long journey to England. It was only a high sense of duty to the Church and the Pope that prevented his declining the post.

Repeated attacks of illness, and unexpected difficulties about conveyance, delayed him in Italy till June, and similar causes detained him on the journey, so that he did not reach Paris till the

middle of September, where he was received with the pomp and ceremonial due to a Papal legate.[1] Up to this time it was supposed that he was sent to England merely to go through the form of an inquiry and at once to grant the wished for divorce. Great therefore was Francis's surprise, when he told him that the first object of his mission was to induce Henry to change his mind. But that if that were found impossible, the result of the inquiry into the marriage must depend on the evidence, and that the only thing certain was that there would be no lack of justice."[2] Francis conveyed this unwelcome news to Clerk, Bishop of Bath, who was waiting in Paris to accompany Campeggio to Calais. Clerk immediately offered Campeggio a large sum of money to defray his expenses. But notwithstanding Clerk's repeated and pressing

[1] A letter from Viterbo, written June 13, says that Campeggio had started by boat from Genoa to Marseilles. The ship, however, was not ready, and the voyage was begun only on July 22. According to Salviati, writing from Paris on August 21, Campeggio had arrived at Nice, and Clerk writes to announce his arrival at Lyons on August 26. The Cardinal arrived in Paris on September 14, where he was received with great pomp, but not with the ceremonial accorded to a legate according to a recent authority. (See S. Ehses, *Römische Dokumente zur Geschichte der Ehescheidung Heinrichs VIII. von England*, Paderborn, 1893, Introduction, p. xxx.)

[2] Brewer, *Calendar*, iv. p. 2047. (The Papal secretary to Campeggio, September 11, 1528.) He is instructed—"Do your utmost to restore mutual affection between the King and Queen. You are not to pronounce any opinion without a new and express commission hence." Cf. p. 2061. (Clerk to Wolsey, September 18, 1528.)

entreaties, Campeggio refused to accept anything, saying he had enough money to take him to England, and required only horses and mules to be provided for the journey.[1] During his stay in England the Legate maintained the same independence, although, as the Pope was then in extreme poverty, he was not always able to send him the pittance he had promised him.

Campeggio left Paris on the 18th September. He was suffering so much from gout that his feet could not bear the pressure of stirrups nor his hand hold a bridle, and he had to be carried in a litter.[2] In England he was well received by those whom he met on the road; but, to impartial observers, it was evident that the popular feeling against the divorce was so strong that the people would have rebelled if they had dared.[3] At Canterbury Campeggio was able to sing High Mass on the 1st of October; but a fresh attack of gout so completely disabled him that he could not even bear the motion of a litter, and was detained at the Duke of Suffolk's house, in the suburbs of London, till Wolsey came and conveyed him privately by water to Bath Place.

In this state of suffering the unhappy Legate

[1] Brewer, *ut sup.*, p. 2054. (Clerk to Wolsey.)

[2] He arrived at Calais only on September 25 (Ehses, *ut sup.*)

[3] Brewer, *ut sup.*, p. 3168. (Du Bellay to De la Pommeraye, September 24, 1528.)

could justly claim some respite from business. But Henry, irritated by past delay, had not the least compassion for him. The very next day after his arrival at Bath Place, Wolsey came and discussed their common business for three or four hours. And on several successive days, he returned to continue the conference. But, notwithstanding all that could be said, Campeggio reported to the Pope: "I have had no more success in persuading the Cardinal than if I had spoken to a rock."[1]

On the 22nd of October, though Campeggio was still unable to walk or stand, or even to sit without great pain, he was carried to the palace adjoining the Black Friars' convent, to present the Pope's letter to the King. He was received in great state and was warmly welcomed.

The next day Henry came privately to see him, and remained in conversation four hours. Campeggio began by exhorting him to give up the divorce, and offered him a fresh dispensation confirming his marriage. But Henry at once declined it, and turned the discussion to the question,

[1] Brewer, *Calendar*, iv. p. 2112. (Campeggio to Sanga, October 28, 1528.) Dr. Ehses (*ut sup.*, p. xxxi) says that Campeggio might have accomplished the journey one or two days sooner in spite of his illness, but that looking at what is known of his character, it does not seem likely that the delay made any difference in the final settlement.

whether Pope Julius's dispensation was against the Divine law, and therefore invalid. He had quotations from theologians and lawyers at his fingers' ends, and strained and twisted their meaning in support of his own case. Of this interview Campeggio wrote to the Pope: "I believe if an angel descended from heaven, he would not be able to persuade His Majesty to the contrary."[1]

The following day the two cardinals went to the Queen. They advised her in the Pope's name not to press her cause to a trial; but she answered that she was resolved to die in the faith and in obedience to God and Holy Church, and that she wished to unburden her conscience to the Pope, and for the present she would give no other answer. Campeggio told her they were directed to persuade her to enter religion, as the King's ambassadors had given the Pope to understand she was ready to do, and he set before her in strong contrast, on the one hand the worldly advantages she would thereby secure, and on the other the sorrow, loss of reputation, and poverty that might be the result of a trial, if judgment were given against her. She closed the interview by saying that she was a lone woman and a stranger without friend or adviser, that she intended to ask the King for counsellors, and that

[1] Brewer, *Calendar*, iv. p. 2101. (Campeggio to Sanga, October 17, 1528.)

after they were granted she would give the cardinals another audience.[1]

A few days later she came privately, with the King's leave, to confess to Campeggio. Though she spoke under the seal of confession, she besought him to inform the Pope of the following resolutions, which she would make public at the proper time.

First, she affirmed most solemnly that she had never lived with Arthur as his wife. Secondly, she declared that she would never take a vow of chastity, but would live and die in the state of matrimony to which God had called her; unless, after a judicial decision, sentence was given against her, when she would be as free as the King. She added, that neither the gift of the whole world on the one hand, nor any great punishment on the other, even were she to be torn limb from limb, would ever induce her to change this resolution; and if after death she could return to life, she would rather die again than give it up. Campeggio said all he could to move her, but she remained firm. Thus Campeggio was disappointed for the third time; but truth compelled him to write to the Pope: "I have always thought her (Queen Katherine) a prudent lady, and now more than ever."[2] It is

[1] Brewer, *ut sup.*

[2] Ibid., iv. p. 2110. (Campeggio to Salviati, October 26, 1528.)

almost incredible that at this time she should have been without any advisers. She had asked for them more than a year before, and some foreign counsellors had been assigned to her by Henry. But as they were compelled to disclose what passed in their private consultations with her, before long they were sent away.[1] Some English advisers were now granted her, apparently by the Pope's order.[2] But they were so dependent on the King that she could feel no confidence in them.

On the 27th October 1528, the two cardinals paid her another visit, when she was attended by some of the advisers lately appointed to her. She received the legates with great dignity, but complained, though without the least sign of anger, that they had come to question her without due notice or allowing her time to take advice. Campeggio repeated his former arguments, and Wolsey on his knees long besought her to follow his advice. She replied that she would never do anything to the condemnation of her soul, or the violation of God's laws, and that when she had consulted with her advisers she would give them her final answer. Campeggio wrote upon this to the Pope: "We shall see what they will advise and what counsel she will accept, though as yet it does not seem

[1] Brewer, *ut sup.*, pp. 2166, 2265, 2357.
[2] Rawdon Brown, *Venetian State Papers*, iv. p. 175.

likely she will bend one way or other."[1] Time showed that he was right.

Great indeed were the disappointment and surprise of Henry and Wolsey at the conduct of the Legate. They had expected that he would prove a pliant instrument of their will, who would give the impress of legality to their wicked scheme. Wolsey especially depended on him to supply all defects in the Pope's recent commission. But the Pope in Campeggio had sent a cardinal who was incorruptible, who kept his judgment free, and whilst willing to urge the Queen to sacrifice herself for the sake of the general interests involved, was firm in his determination not to overstep the bounds of law and justice.

The English cardinal was confounded when Campeggio, in accordance with the instructions he had received from the Pope, refused even to let him show the Council the decretal of which he was the bearer, and would not even place it in his hands; but, after showing it to the King, professed that it was his intention to burn it. Wolsey's consternation, however, reached its height when Campeggio told him that he was bound by his instructions, after concluding the inquiry into the validity of the marriage, to lay his opinion before

[1] Brewer, *Calendar*, iv. p. 2111. (Campeggio to Sanga, October 28, 1528.)

the Pope and wait for further orders before passing sentence. Turning with a scowl towards his colleague, the Cardinal of York exclaimed in an angry tone, "If it be so I will not negotiate with one who has no power, and the King cannot be treated thus."

CHAPTER XII.

INTRIGUES AND STRATAGEMS.

WOLSEY'S courage and ingenuity did not fail him in this critical emergency. He resolved, notwithstanding the King's impatience, to put off the trial till he could obtain from Rome such unlimited powers as would enable him to defy both Pope and Legate, and thus make sure of a favourable sentence.[1] Gardiner was still in Rome, and several clever Italians were zealously helping him. In November Francis Bryan, cousin to Anne Boleyn, Peter Vannes, a secretary of Wolsey,[2] and, a few weeks later, Dr. Knight and Dr. Benet, were sent thither. But Wolsey kept in his own hands a more delicate matter on which he built great hopes of success.

Early in October he had told Gregory Casale to get the Pope's permission for him to show the decretal, of which Campeggio was the bearer, to a

[1] Pocock, *Records*, i. p. 251. (Benet and others to Wolsey, July 9, 1529.)

[2] Rawdon Brown, *Venetian State Papers*, iv. p. 213. (Letters from Rome, May 31, 1529.)

few members of the King's council.[1] But, when Campeggio's unexpected conduct gave a new and critical turn to affairs, he resolved to play a bolder game, and he ordered Gregory to pretend that the Pope had actually promised him leave to do so. Gregory, being ill when these orders arrived, sent his brother John and his cousin Vincent to the Pope to carry them out. They complained to his Holiness that Campeggio would not allow Wolsey to show the decretal and would not even place it in his hands, and they called on the Pope to fulfil the pretended promise to Wolsey that he might show it. On hearing this flat falsehood the Pope got very angry, and forbade John Casale to say another word on the subject, because it was evident that Wolsey was deceiving him. He had asked only for a bull to be seen by no one but the King, and it had been granted in order to save his (Wolsey's) life. Now, however, he pretended that a promise had been made that he might show it to others. Again and again John Casale returned to press for the fulfilment of the pretended promise; but each time the Pope became more and more angry. He protested that he was not "telling lies." He had Wolsey's letters to prove the truth of his words. Campeggio had written that he had shown the

[1] Pocock. *Records*. i. p. 176. (Wolsey to Gregory Casale, October 4, 1528.)

decretal to the King and the English cardinal, according to Wolsey's request, after which it must have been burned, as had been agreed upon. At last John Casale resorted to the usual threats of schism and temporal ruin, upon which the Pope exclaimed in great agitation, "I know that imminent ruin hangs over me, and what I have done gives me great pain. But if heresies and other evils are about to arise, is that my fault? It is enough that my conscience is clear from blame, which it would not be if I granted what you now ask."[1] Finally Vincent Casale was despatched to England to explain the hopelessness of the case, since neither by arguments nor by threats could the Pope be induced to allow the decretal to be given to Wolsey.[2]

But it was not to moral force alone that Henry and Wolsey trusted. Physical force also was to be resorted to if necessary. The Pope was to be persuaded to accept a guard of from one to two thousand men provided by the Kings of England and France.

Dr. Knight and Dr. Benet were instructed "to represent to the King of France that it was done for his sake," and to tell the Pope it was "intended

[1] Burnet, *History of the Reformation* (ed. Pocock), iv. p. 64. (John Casale to Wolsey: account of a conference he had with the Pope. December 17, 1528.)

[2] Ibid., p. 72.

for his personal safety," though in reality it was "for the benefit of the King's cause,"[1] in order that the Pope might fear and respect Henry as much as he did the Emperor, and thus be more ready to grant him his requests. But the King of France saw that the proposed guard was only a pretext to gain Henry's own ends at his expense,[2] and he therefore told the ambassadors that so small a guard would be useless, as the Emperor had thirty thousand men in Italy.[3] The ambassadors were also ordered to plot with the King of France for the removal of the Pope to Avignon, where they did not doubt he could be forced to grant Henry's suit.[4]

Meantime the Pope became dangerously ill, and a report reached England that he was actually dead. Henry wrote instantly to his ambassadors in Rome ordering them to make the most strenuous efforts for Wolsey's election to the Papal Chair. Dignities, benefices, and money without stint were placed at their disposal, and a guard of two or three thousand men was offered to the friendly cardinals, who were to be formed into a compact party in the Conclave. He added with blasphemous hypocrisy, that if the cardinals had God and the Holy Ghost with them

[1] Brewer, *Calendar*, iv. p. 2179. (Brian to Gardiner, December 1528.) Also p. 2178. (Wolsey to Knight, January 1529.)
[2] Ibid., p. 2262. (Knight to Wolsey, January 8, 1529.)
[3] Ibid., p. 2398. (Same to same, April 1529.)
[4] Ibid., p. 2397. (Same to same.) Cf. also p. 2399.

they would see that Wolsey alone could save the Church and Christendom from existing calamities.

But if through lack of grace or from private ambition his election could not be carried, then the English and French party was to publish a protest, leave the Conclave and retire to some safe place, where, ignoring any election made in Rome, they were to make choice of Wolsey.[1]

Wolsey himself wrote more cautiously to Gardiner, modestly setting forth his own qualifications, the advantage to Christendom and the King's great matter that would accrue from his election, and bidding Gardiner strain every nerve, spend money, and make promises without stint[2] to secure this end.

But the occasion passed away. The Pope rallied unexpectedly. The fever left him, and he regained strength gradually, though slowly.[3]

Meanwhile the English ambassadors had arrived in Italy. The instructions given to Bryan are so unparalleled, that they could not be credited, were it not that a copy of them in Vannes' handwriting

[1] Pocock, *Records*, ii. pp. 590–605. (Henry VIII. to Gardiner, February 6, 1529.)

[2] Ibid., p. 607. (Wolsey to Gardiner, February 7, 1529.) "Concerning my advancement unto the dignity Papal, not doubting but that . . . ye will omit nothing that may be excogitate to serve and conduce to that purpose."

[3] Brewer, *Calendar*, iv. p. 2281. (Paul Casale to his brother, January 19, 1529.)

and corrected by Wolsey himself, is still to be seen. First, the agents were to make every effort to procure in some form the original decretal commission, which, it will be remembered, the Pope had already refused to Gardiner and Fox, because the reasons it gave for the divorce were insufficient in law. If they failed to get this they were to ask, either that the Pope should remove the cause to Rome and sign a written promise that within two or three months he would give sentence in the King's favour; or that out of the fulness of his power (*ex plenitudine potestatis*) he would declare the King's first marriage invalid, and authorise him to take another wife; or that he would give him a dispensation to have two wives at once, or permit him to take another wife, if the Queen would enter religion.[1] They were also directed to ask whether, if the Queen would not enter religion, unless the King took a vow of chastity, the Pope would promise afterwards to dispense him from this vow and allow him to marry.[2]

There was another important matter also which the English agents were to bring before the Pope.

[1] Pocock, *Records*, i. p. 189. (Heads of instructions given to Brian and Vannes when they went to Rome, in December 1528, in Vannes' hand; corrected by Wolsey.)

[2] Brewer, *Calendar*, iv. p. 2158. (Instructions to same, November 1528, signed at beginning and end by the King.) Cf. Harpsfield, *The Pretended Divorce*, pp. 187, 188.

It happened that Wolsey, in searching for flaws in Pope Julius' bull, thought he had found one in the fact that Katherine's marriage with Arthur was said to have been "perhaps" (*forsitan*) consummated. Katherine met this objection by referring to the brief sent to Queen Isabella on her deathbed, in which Ferdinand had taken care that such explicit terms should be used as would meet all possible cavils of the English lawyers.[1] A copy of this brief had been sent at the time from Spain to England.[2] But Henry and Wolsey now declared that they had never heard of it. They expressed doubts as to its existence, since no trace of it could be found in England, though a letter from Pope Julius to Henry VII. mentioning that this copy had been sent, and expressing his annoyance that it should have reached England before the bull, is still to be seen in the Record Office.[3]

They insisted that the original brief must be sent to England, with the intention probably that some accident should befall it in passing through France. As the Emperor, however, might object

[1] Pocock, *Records*, ii. p. 426. (Ferdinand to his agents, August 23, 1503.)

[2] Ibid., i. p. 7. (Julius II. to Henry VII. explaining the circumstance under which the brief had been sent to Spain, February 2, 1506.) On March 17, the Bishop of Worcester wrote to the King that the Pope had been grieved to hear that copies of the brief had been sent from Spain to England.

[3] Ibid.

to part with it, Katherine's English counsellors were tampered with and induced to advise her to write to the Emperor desiring him to send it by her chaplain Abel, who was the bearer of her letter. As Henry claimed from her the obedience of a wife, though he denied her right to the title, and had bound her by a solemn oath to write and sign what he commanded but nothing else, she was obliged to sign this letter. She, however, gave written instructions to Abel to tell the Emperor in her name not to send the brief, because the proof of the validity of her marriage depended on it, and she had been compelled under oath to write as she had done.[1] She also sent Montoya, one of her household, to Spain with similar verbal instructions, and the Spanish ambassador wrote to his master to the same effect.[2] The Emperor accordingly refused to send it, but he forwarded a copy formally authenticated in the presence of the English ambassadors in Spain.[3]

This, however, did not satisfy Henry and Wolsey. They ordered their ambassadors to ask the Pope either to revoke Pope Julius' bull, on the ground that he had exceeded his power in granting it, or to declare this brief a forgery. The Pope was

[1] Brewer, *Calendar*, iv. p. 2265.
[2] Ibid., p. 2274.
[3] Ibid., pp. 2410, 2411.

greatly moved that he should be even asked to revoke Pope Julius' bull, since he could not do so without undermining the very foundation of his Chair and the Church.[1]

He felt so strongly on the subject that he would not even allow any disputation on the Pope's dispensing power to be carried on in his presence.[2]

The case of the brief was scarcely less distressing to him. The ambassadors required him to declare it a forgery, because it seemed incredible to them that a bull and a brief should both be dated on the same day. But Mai, the Imperial ambassador, proved that it was very usual, in order to prevent mistakes, to issue a brief the same day as a bull. It was well known in England that it was not customary to register all such briefs,[3] but notwithstanding this, the ambassadors pretended that it must be a forgery because it was not registered. But, though it was not entered on the Register, Mai found mention of it and of the cause of its being sent in a brief reciting the briefs of Pope Julius,[4] and also in two other briefs,[5] one of which was that now in the Record

[1] Brewer, *Calendar*, iv. p. 2395.

[2] Ibid., p. 2415. (Gardiner to Henry VIII., April 21, 1529.)

[3] Gayangos, *Spanish State Papers*, iii., part 2, p. 860. (Don Iñigo to the Emperor, December 2, 1528.)

[4] Brewer, *Calendar*, iv. p. 2393.

[5] Ibid., p. 2372. (Mai to Charles V., March 23, 1529.)

Office.[1] The ambassadors also objected to the date, which was December 26, 1503. They argued that as briefs are always dated according to the computation by which the year begins after the Nativity, which they chose to limit to Christmas Day, December 26, 1503, was above ten months *before* November 10 of the same year, when Julius II. became Pope, and they consequently argued that the brief must be a forgery. But, as every one knows, the Feast of the Nativity is not limited to a single day, but has an Octave,[2] which extends to the Circumcision, on which day the New Year begins, and according to this computation, by which briefs are dated, December 26 is about six weeks *after* November 10, and not ten months *before* it.[3] The ambassadors lastly took exception to certain trivial irregularities of style and spelling, although they were told no particular style was used for briefs,[4] and that spelling, as was well known, was at that time irregular and optional.

But after all their objections to the brief had been answered, the ambassadors still insisted that the

[1] Pocock, *Records*, i. p. 7. (Julius II. to Henry VII., February 2, 1506.)

[2] For example, a letter of Chapuys', the Imperial ambassador, dated December 29, 1530, says: "*The third day of Christmas* the auditor returned," &c.

[3] Brewer, *Calendar*, iv. pp. 2365, 2591.

[4] Ibid., p. 2366.

Pope should declare it a forgery out of the fulness of his power. They said, "You promised to do for the King all that you could. You can declare this brief a forgery, and if you do not do so, you will not keep your promise." They added that "the King would not have cared about it had the promise not been made."[1] In extreme perplexity, his Holiness consulted all the most learned men in Rome. They unanimously declared that it would be contrary to law and would create great scandal were he to declare the brief a forgery, without hearing the other side, and that it would be more than strange were he to give sentence on what was uncertain.[2] But neither reason nor argument made the least impression on the ambassadors. They acknowledged neither reason, argument, nor law, except their sovereign's will, and so long as it was not obeyed they repeated their demands over and over again, regardless of all that had been previously urged against them.

Only one step was possible for the Pope, and this he promised to take. He offered to write to the Emperor and desire him to send the brief either to England or to Rome. The ambassadors then insisted that he should order the Emperor *peremptorily* to produce the brief within a specified time, under the threat that did he fail to do so the Pope would

[1] Brewer, *Calendar*, iv. p. 2393.
[2] Ibid., p. 2416. (Sanga to Campeggio, April 21, 1529.)

proceed summarily and pronounce it a forgery. Such an imperious tone was not used towards any Prince, much less towards the Emperor;[1] but because the Pope would not write in the form the English agents dictated, they declared they did not desire that any communications should be made.[2]

The Pope, however, wrote to the Emperor in the usual courteous style, requesting him to send the brief to Rome by the Bishop of Vaison, whom he had sent into Spain to fetch it.[3] But the Emperor refused to part with it till he could deliver it to the Pope with his own hand.[4] This he seems to have done when he met the Pope at Bologna in the following winter.[5] Cardinal Sanctorum Quatuor then examined it, pronounced it genuine, and declared himself ready to testify to its validity.[6]

His Holiness complained bitterly of the indecorous language and even threats, with which the English ambassadors pressed their demands—as if he could if he pleased act contrary to God's moral law, even were he to gain the whole world, or as if what they threatened would not rather prove to their own damage![7] These threats were not accidental ebullitions of temper, but were premeditated

[1] Brewer, *Calendar*, p. 2418. (Salviati to Campeggio, April 21, 1529.)
[2] Ibid., p. 2416. (Sanga to Campeggio, *ut sup.*)
[3] Ibid., p. 2415.
[4] Ibid., p. 2408.
[5] Ibid., pp. 2674, 2702.
[6] Ibid., p. 2888.
[7] Ibid., p. 2417.

attacks about which they boasted. On the 5th May, Bryan wrote to Henry, that they "had opened all to the Pope, first by fair means and then by foul. . . . Master Stevens (Gardiner) in the presence of the Pope so answered for your Grace that he made the Pope ashamed for his deeds." The Spanish ambassador, who met them in the anteroom as they came from this interview, said "they were very much annoyed and muttered threats."[1] In consequence of their insults the Pope had a relapse, and was so ill that his life was again in danger.[2]

Campeggio in England meanwhile could only echo the complaints of his master. He had at the time frequent attacks of gout, which confined him to his bed for weeks together. But Henry and Wolsey pushed forward their designs, sent doctors and divines to his bedside, compelled him to busy himself with folios of canon law, and resented his attempts to make peace[3] and his endeavours to open their eyes to truth and justice. And while, on the one hand, they pressed him with their habitual imperiousness to hurry on proceedings and to give sentence at once, the Pope, on the other, sent him

[1] Gayangos, *Spanish State Papers*, iv., part 1, p. 3.

[2] Brewer, *Calendar*, iv. p. 2449.

[3] Rawdon Brown, *Venetian State Papers*, iv. p. 176. (Gasparo Contarini to the Signory, November 21, 1528; given the reports in Rome.)

reiterated commands not to pronounce any sentence whatever, without a new and express commission, but to protract the matter as long as he could, "if haply God should put into the King's heart some holy thought, so that he might not desire from his Holiness what could not be granted without injustice, peril, and scandal."[1]

When Henry and Wolsey at length resolved to defer proceedings and get further powers from Rome, Campeggio's troubles were not thereby diminished. The Pope reproached him because, through his "inability to sustain the torrent of the King's demands," everything was referred to Rome; because he did not at once destroy hopes which he knew it was impossible for the Pope to fulfil; or because he had perhaps incautiously promised too much. His Holiness commanded the Legate to relieve him of part of his cares by putting a stop to troublesome suits, which could not possibly be granted, and besought him in touching terms, for the love of God, to divert these troubles from Rome, for since the more Henry and Wolsey expected and demanded, the more grievous it seemed to them to get nothing but refusal.

[1] Brewer, *Calendar*, iv. p. 2055. (Sanga to Campeggio, September 16, 1528.) Campeggio is to try and induce the King to give up the idea of the divorce, and "not desire from his Holiness a thing which cannot be granted without injustice, peril, and scandal."

In self-defence, Campeggio complained of the way in which Henry and Wolsey browbeat him, treating every argument against them as vain and frivolous, and twisting every word of his in their own favour.[1] He had often told them, he said, that the Pope could not possibly revoke his predecessor's Bull, and explained to them why it was impossible.[2] He had tried to persuade them not to ask the Pope to declare the brief a forgery, because when it should come before him in the course of proceedings, he, being familiar with such documents, would at once detect the fraud if it existed.[3] But this would not satisfy Henry, who insisted that it should be declared a forgery, whether a flaw existed in it or not. He had indeed promised that the Pope would do all that lay in his power, and as a consequence Henry and Wolsey had asserted that these words implied the Pope would exert the extraordinary powers of which the fulness was vested in his office, as expressed in the term "*ex plenitudine potestatis.*" But this he positively denied. They therefore sent for his secretary and Francesco Campana, a confidential envoy from the Pope to Campeggio, and tried to entrap them into allowing that the Cardinal had explicitly promised this in their presence. But Francesco denied it, and held his ground firmly in cross-examination. At last he closed the discussion

[1] Brewer, *Calendar*, p. 2461. [2] Ibid., p. 2462. [3] Ibid.

by reminding them that "if his Holiness did not comply with his Majesty's desires it was because he could not do so with justice and without prejudice to a third party."[1]

Meanwhile the Pope's firmness and justice were equally put to the test by Katherine and the Emperor. As she did not know that he was, in his dealings with the ambassadors, always inflexible on the point of law and justice, she naturally supposed he was acting entirely in Henry's favour. She was convinced that her cause would be lost if it were tried in England, where neither she nor her judges were free,[2] and that in Rome alone could she have an opportunity of fairly stating her case.[3] She therefore entreated the Emperor to remonstrate with the Pope for having taken any steps in the matter without having heard both parties.[4] The Emperor accordingly demanded that her cause should be removed to Rome. But the Pope refused, because he had not received any request from Katherine herself, and he had been given to understand by the English ambassadors that she acquiesced in Henry's proceedings. The Spanish ambassador urged her to send the usual

[1] Brewer, *Calendar*, p. 2464.

[2] Ibid., p. 2275. Cf. Gayangos, *Spanish State Papers*, iii., part 2, p. 926.

[3] Ibid., iv. p. 2367.

[4] Ibid., p. 2265.

formal demand for the removal of her cause from England; but she was so surrounded by spies even in her own household, that it was impossible for her to do so,[1] and it was only after the lapse of several months that she contrived to write a private letter to the Pope informing him of her wish and of the state of constraint in which she was.[2] However, before her letter arrived, the Pope's eyes had been opened to her position by the English ambassadors themselves, who had hinted, without entering into particulars, that "if the King were not so good, servants would not have been wanting to give her poison." Hereupon the Pope ordered Mai, the Spanish ambassador, to draw out his protest promising that he would take care that the case should be tried at Rome, at the same time adding, "even if the Emperor and all the rest of them should agree to the divorce I will never authorise it." When he received the Queen's letter, which, as Mai said, would have broken a heart of stone, he renewed these promises.[3] But he shrank from removing the suit till such time as it might be done with less offence to Henry, or at least till the conclusion of a general peace should avert the extreme danger to Christendom, which would probably result from any outbreak of the English king's anger.

[1] Brewer, *Calendar*, p. 2316. Cf. Gayangos, *ut sup.*, p. 981.
[2] Ibid., p. 2392.
[3] Ibid.

Nor was it only against the English and Spanish ambassadors that the Pope had to hold his ground. The King of France, on the one hand, threatened, if the divorce was not granted, to depose the Pope and place a more worthy occupant on St. Peter's Chair,[1] and the large French army then in Italy added strength to his words. And, on the other hand, the Cardinal-Archbishop of Mainz, who represented the Church in Germany, told the Pope that if the divorce were granted all Germany, both Catholic and Lutheran, would certainly attack him, and that nothing would so much strengthen Luther's sect.[2]

But in spite of falsehood, threats, and political pressure, the Pope held the balance of justice with an even and firm hand. On the 21st of April, Bryan wrote to Henry that he, Gardiner, Gregory Casale, and Vannes had done all they could, but that the Pope would grant them nothing. "Were I to write otherwise," he added, "I should put you in hope where none is, and whoever has told you that he will, has not done you, I think, the best service. There is no one more sorry to write to you this news than I am. No men are more heavy than we are that we cannot bring things to pass as we would. . . . I have written to my cousin Anne, but I dare not write to her the truth, but will refer

[1] Brewer, *Calendar*, p. 2480. [2] Ibid., p. 2463.

her to your Grace to make her privy to all the news."[1]

A fortnight later, on the 4th May, Gardiner wrote to the King, "All jointly, and I myself apart applying all my wit and learning to obtain at the Pope's hand some part of the accomplishment of your desires, finally have nothing prevailed."[2]

[1] Brewer, *Calendar*, pp. 2211, 2262.

[2] Burnet, *History of the Reformation* (ed. Pocock), vi. p. 23. (Gardiner to Henry VIII., May 4, 1528.)

CHAPTER XIII.

LAST DESPERATE EFFORT.

WOLSEY'S prospects were daily becoming darker and darker. While his most trusted agents failed to obtain for him the least concession from the Pope, and while the removal of the cause to Rome was openly discussed, his position at home was being undermined. The King was daily falling more and more into the hands of the clique headed by Norfolk, Anne's uncle and Wolsey's inveterate enemy.

Under pretence of hunting or some other country pleasure, Henry was removed from Wolsey's personal influence and kept under that of Anne Boleyn and her friends. She was constantly irritating the King against the minister by suggesting that Wolsey was raising impediments to the divorce, to which he had from the first been opposed.[1] The Dukes of Norfolk and Suffolk insinuated that he had not done as much as he could to promote it.[2] The

[1] Brewer, *Calendar*, iv. p. 2317. (Mendoza to Charles V., London, February 4, 1529.)

[2] Ibid., p. 2467. (Du Bellay, London, May 22, 1529.)

Duke of Suffolk, especially, who happened to be in France, even dared on his return to bring a pretended message from Francis, bidding Henry not trust Wolsey because he had too good an understanding with the Pope and Campeggio, and because they were certainly against the divorce, it was the more needful for the King to look after his own affairs.[1] The correspondence of the Bishop of Bayonne, however, proves that this message from the King of France was fabricated by Suffolk.

The Boleyn party had so far made an impression on Henry, that he looked with less favour on Wolsey, occasionally said disagreeable things to him,[2] and allowed Anne to speak rudely to him, and to bring back to Court Sir Thomas Cheyney, who had been sent away in disgrace by Wolsey.[3] He even told the Spanish ambassador that he blamed the Cardinal for not having fulfilled his promises to him; and that he had hitherto done nothing except get Campeggio and the Pope to frighten the Queen, with a view to inducing her to enter religion. Anne's influence also appeared in the readiness with which Henry now listened to complaints about the endowment of Wolsey's college

[1] Brewer, *Calendar*, p. 2491. (Suffolk to Henry VIII., June 4, 1529.)
[2] Ibid., iv. p. 2317.
[3] Ibid., p. 2296. (Du Bellay to Montmorency, January 1529.)

at Oxford, and his appointment of an abbess to Wilton Abbey. About this appointment, the King reproved Wolsey in so imperious a tone that it revealed to the Cardinal the insecurity of his position.[1] Further delay in opening the Legatine Court was evidently perilous, if not impossible. The affair had now gone so far that if the divorce was not obtained, the King would quarrel with Wolsey; a quarrel which meant ruin to the Cardinal.

But before opening the court, Wolsey determined to make one last desperate effort to retrieve his almost hopeless position. Up to the 21st of May, he wrote repeated letters to the ambassadors in Rome, bidding them tell the Pope plainly how he and Campeggio had made large promises to the King, and how grieved they would be if the hopes they had raised were disappointed. The ambassadors were therefore to press the Pope to secure the fulfilment of these promises by enlarging the powers of the legates, so as to frustrate any advantage the other party might possess, and defeat their consequent action.[2] In fact, the Vicar of Christ was to be openly asked to be a party to Wolsey's acting as an unjust judge.

[1] *State Papers* (1830), i. p. 313. (Bell to Wolsey, July 10, 1528.) Cf. also p. 317. (Wolsey to Henry VIII.)

[2] Burnet, *History of the Reformation* (ed. Pocock), iv. p. 98. (Wolsey to Gardiner, &c. : instructions.)

But besides this they were to try to get a "policitation," or promise, from the Pope that he would not remove the cause to Rome, but would confirm the sentence of the legates. This promise to confirm the finding of the legates had been given to Gardiner in March of the preceding year, and a formal document to that effect had been sent to England. But it was so qualified that more freedom of action than suited Wolsey's purpose was reserved to his Holiness.[1] There was now no hope of getting a more favourable promise in a straightforward way. Recourse must therefore be had to the last stretch of fraud and falsehood. With this view, Wolsey sent the ambassadors a copy of the existing "policitation," with notes on the margin, showing the corrections in it which he desired. But, while he thus proved the sound condition of this document, he ordered his agents to tell the Pope that the courier, who had carried it to England, had fallen into the water during his journey, and the packet containing it had been so wetted that the document was defaced and illegible; they could not give it in this state to the King, and they would incur his Majesty's severe displeasure, unless his Holiness of his goodness would give them a duplicate, which they would write

[1] Pocock, *Records*, i. pp. 108, 110, 124. (Gardiner and Fox to Wolsey, March 31, 1528.)

out from memory for his signature as nearly as possible like the original. In writing this duplicate, however, Gardiner was directed to introduce into it as many of the changes suggested by Wolsey, and "other fat, pregnant, and available words as was possible," as by "the politic handling whereof," it would be "a great strength and corroboration" of all that "should be done in the decision of the King's cause," and prove "as beneficial to the King's purpose as the commission decretal."[1] The usual threats of the separation, not only of England, but of "all other realms," from the Church were to be used to enforce the above petitions.[2]

But by this time the Pope had fathomed Wolsey's character and knew the straits to which he was reduced, and he was not to be entrapped. On the 31st of May, he wrote to Henry expressing his affection and gratitude, and his earnest desire to oblige him; but telling him plainly, that he could not do as he wished without grave reproach.[3] On the same day he wrote also to Wolsey, in a tone of great dignity, expressing his wish to find an opportunity to show his love and gratitude to him and the King of England, and his regret that the strict

[1] Burnet, *ut sup.*, pp. 98, 99.

[2] Ibid., p. 111.

[3] Brewer, *Calendar*, iv. p. 2484. (The Pope to Henry VIII., May 31, 1529.)

limits of justice, and many other reasonable causes, prevented his doing as much as he would to gratify them.[1] Thus the Pope returned to the point from which he had started at his first interview with Gardiner and Fox—he would do all that was consistent with law and equity, but nothing more. The letters of Wolsey and of his agents up to this time bear witness to the Pope's integrity and firmness.

There now remained to the English cardinal no resource except to hurry on proceedings in the Legates' Court, which had already been formally opened.

[1] Burnet, *ut sup.*, iv. p. 114. (The Pope to Wolsey, May 31, 1529.

CHAPTER XIV.

THE LEGATES' COURT.

ON the 29th of May 1529, the legates sent to Henry their commission from the Pope, and asked his pleasure as to its execution and their proceedings in the case.[1]

On the 31st they sat in the Parliament Chamber, adjoining the Convent of the Black Friars, when Longland, the Bishop of Lincoln, brought back the commission with the King's leave to proceed, and forthwith they appointed him and the Bishop of Bath to summon the King and Queen to appear before them, on Friday the 18th of June, between nine and ten o'clock in the morning.[2]

On the 15th of June, the King removed from Hampton Court to Greenwich, and the Queen set out for Baynard's Castle, where she was to stay.[3] On her way, she crossed the river and paid a visit to Campeggio. He was confined to bed with gout, but being in great perplexity and anxiety, she came

[1] Brewer, *Calendar*, iv. p. 2477. (Wolsey and Campeggio to Henry VIII., May 29, 1529.)

[2] Ibid., pp. 2483, 2493.

[3] Ibid., p. 2509.

to his bedside. She wished to tell Campeggio that, as the Emperor had forbidden the advocates, whom she expected from Flanders, to come to England,[1] she had no one to plead for her except the English counsellors whom the King had assigned her, but whom she mistrusted as leaning to his interest rather than hers. She therefore came to ask the Cardinal's help and advice. He spoke very kindly to her, exhorting her to keep a good heart, to rely on the King's justice, and the conscience and learning of her English counsellors, and to rest assured the legates would do nothing contrary to justice and reason. She inquired whether the trial of the case had been revoked to Rome. He answered that up to the 15th of May the Pope had not revoked it, because the suit had not yet begun, and also because, having appointed two legates to try it, he could not revoke it without much thought and consideration. As he was one of the judges he could not give her any legal advice, but he exhorted her to pray that God would enlighten her to take some good course, hinting again that she might enter religion. But though she was, as he said, "very religious and extremely patient," she would not in the least accept this suggestion.[2]

[1] Brewer, *Calendar*, p. 2476. (Margaret of Savoy to Charles V., May 26, 1529.)

[2] Ibid., iv. p. 2509, 2510. (Campeggio to Salviati, June 16, 1529.)

On the day after this visit, however, her anxiety was relieved by the arrival from Brussels of a notary, Florian Montinus, and before him she signed a formal appeal to the Pope, and a protest against the jurisdiction of the legates.[1]

On Friday, the 18th of June, the legates opened their court. The King answered their summons by proxy; Dr. Sampson, Dean of the Chapel, and Dr. Bell appearing for him. The Queen answered in person, and presented her appeal to the Pope, and her protest against the jurisdiction of the legates. Upon this, they cited her to appear again on the following Monday, June the 21st, to hear their decision on her protest.[2]

On that day, the court sat again at the Black-friars. As the Queen passed, the crowd that had assembled round the door, and especially the women, encouraged her by their cheers, and bade her not care for what was being done against her, and much more in the same strain. She answered by recommending herself to their prayers.

The Pope's Commission ordered the inquiry to be private and informal.[3] But Henry caused it to be held in open court, because this gave him an oppor-

[1] Pocock, *Records*, ii. p. 609.

[2] Brewer, *ut sup.*, pp. 2520, 2521, 2525, 2527.

[3] Pocock, *Records*, i. p. 168. (The commission for Wolsey and Campeggio to try the cause of the divorce, June 8, 1528): "sine strepitu et figura judicii."

tunity of pleading his cause before his subjects, and thus strengthening it, as he hoped, in case he should hereafter resolve to carry it through in his own Parliament in spite of the Pope. The Parliament chamber was fitted up like a court of justice. The legates sat on a raised platform in the middle of the court. On their right, and about three feet above them, was the King, and on their left beside the King, but at some little distance and somewhat lower, sat the Queen. At the legates' feet were placed the clerks of the court, the chief of whom was Gardiner, and rather further off, but still within the court, sat the Archbishop of Canterbury and the bishops, while the doctors of law, who acted as councillors for the King and the Queen, stood at the opposite ends of the room. The King's councillors were Doctors Sampson, Bell, Petre, Tregonwell, and others. The Queen's lawyers were Doctors Abel, Powell, Fetherston, and Ridley. Besides these, with the King's leave, she had chosen for her Council the Archbishop of Canterbury; Clerk, Bishop of Bath; Tunstall, Bishop of London; West, Bishop of Ely; Fisher, Bishop of Rochester; and Standish, Bishop of St. Asaph.[1] The spirit in which the inquiry was to be conducted was shown from the very first. The Queen's lawyers were required to take an oath that

[1] Harpsfield, *The Pretended Divorce*, p. 177. Cf. Sander, *The Anglican Schism*, p. 64.

they would neither write, say, nor do anything except in strict accordance with the Church's laws. But the King's lawyers were left free from this restriction, although Ridley, one of Katherine's theologians, openly complained of this injustice.[1]

The legates first refused the Queen's appeal to the Pope. They then summoned the King and Queen by name. The King answered at once; but the Queen, rising from her chair, again appealed to the Pope on the ground that she being a foreigner, and Henry being King of England, she could not hope for justice from judges who not only held benefices from him, but were in his power, and she declared on oath that it was only this well-grounded fear that induced her to decline their sentence.[2] Hereupon the King, standing up, protested that he was actuated only by scruples of conscience, which had troubled him since the time of his marriage. The Queen replied, that it was not the time to say this after having been silent so long. Henry excused himself by the great love he had always had, and still retained for her, and he declared that though the Cardinal of York might have been delegated to give sentence, yet to avoid all harsh judgments he had prevailed on the Pope, the Sovereign Head of the Church, to send another legate to decide the question,

[1] Sander, *ut sup.*, p. 68.

[2] Sander, *The Anglican Schism* (translated by Lewis), p. 53.

by whose judgment, whatever it might be, he called all men to witness he would abide.

The Queen again insisted on the admission of her protest and appeal; but the judges again refused. Then rising from her seat and crossing in front of the legates to the place where the King was sitting, she fell on her knees and said most humbly to him: "By all the loves that have been between us, for the love of God, for my honour, and for that of our daughter, and yourself, let me have justice and right. Have pity on me, a poor lone woman and a stranger, without a trusty friend or impartial adviser, flying to you as to the head of justice in this realm. Alas, how have I offended you, that you should seek to put me away? Have I ever attempted to do anything contrary to your will and pleasure? I take God and all the world to witness that I have been to you a true, humble, and obedient wife, ever conforming to your will and pleasure, never showing ill-temper or discontent by word or look, but always pleased with all things in which you found delight, and loving all whom you loved, for your sake alone, whether they were my friends or my enemies. For twenty years I have been a true wife to you, and by me you have had several children, though it has pleased God to call them out of this world, which is no fault of mine; and when you had me at the first, I take God to be my

judge that I was a very maid, and whether it be true or no I put it to your conscience. If any just cause or impediment can be alleged against me, I am well contented to depart to my great shame and dishonour, but if there be none I here most lowly beseech you to let me receive justice at your hand." She then proceeded to point out that she could not expect justice from his subjects and the members of his Council, who would not dare to oppose his will, and finally added: "Therefore I most humbly entreat you, as a charity, for the love of God, to allow me to prosecute my appeal in Rome before the common Father of all Christians."[1]

Then rising, she made a low curtsey to the King, and turned to go away; but instead of returning to her seat she went straight out of the court. When the King saw her going away, he bade the crier order her in his name to return. Whereupon Griffiths, her General Receiver, on whose arm she was leaning, said, "Madam, you are called." But she answered, "On, on, it maketh no matter." For her lawyers had told her that if she returned she would thereby withdraw her appeal and damage her cause. But when she got to Baynard's Castle, she said: "To-day for the first time I have disobeyed my lord, the King. The very next time

[1] Pocock, *Records*, i. p. 219; ii. p. 609. Cf. Brewer, *Calendar*, iv. pp. 2526, 2528.

I see him I will on my knees entreat him to forgive my fault."[1]

Her modesty and the tenderness of her appeal to her husband had melted to tears all who were present. Even the King appeared to be touched, and he did not dare to her face to contradict her appeal to his conscience about her former marriage. But seeing the impression she had made, he said: "Forasmuch as the Queen is gone I will in her absence declare unto you all, my lords, she hath been to me as true, as obedient and as conformable a wife as I could in my fancy wish or desire. She hath all the virtuous qualities that a woman of her quality, or of any lower rank, ought to possess."[2]

The legates caused her to be thrice summoned by the crier, and as she did not obey, they pronounced her guilty of contumacy, and cited her once more to appear on the following Friday, the 25th of June.[3]

Before the court broke up, Wolsey publicly asked the King whether this matter had been first

[1] Harpsfield, *The Pretended Divorce*, p. 181. Cf. Sander, *The Anglican Schism* (trans. Lewis), pp. 49–55. Mr. Lewis notes that the account given by Harpsfield agrees even verbally with that of the King. (Burnet, *History of the Reformation*, ed. Pocock, iv. p. 118. See also Cavendish, *Life of Wolsey* (ed. H. Morley, 1885), pp. 115–120.

[2] Cavendish, *ut sup.*, p. 119.

[3] Brewer, *Calendar*, iv. p. 2528.

mooted by him, as was commonly said. The King answered that on the contrary he had always been rather against it, and that his own conscience had first been pricked by the remark of the French ambassador on the legitimacy of his daughter, when negotiating her marriage with a French prince. The King added, that he had first mentioned it in confession to the Bishop of Lincoln, and had asked the Archbishop of Canterbury to consult the bishops, all of whose opinions under their hand and seal he could show. "That is true," answered the Archbishop; "I have no doubt all my brethren here present will confirm the same." "No, sir," replied Bishop Fisher, "you have not got my consent." "No!" exclaimed the King. "Look here, is not this your hand and seal?" "No, forsooth," rejoined Fisher. Turning to the Archbishop, the King said, "How say you? Is it not his hand and seal?" "Yes, sir," answered the Archbishop. "It is not," rejoined Fisher; "you tried, indeed, to get my hand and seal; but I told you I would never consent to such an act, for it was against my conscience, and my hand and seal should never be seen attached to such a document." "It is true you did say so to me," replied the Archbishop; "but at the last you consented that I should sign your name and affix a seal which you would acknowledge as yours." "Under

your correction, my lord, and by leave of this assembly," answered Fisher, "nothing is more untrue than your words and act." The King, irritated at this exposure of the fraud by which his cause was supported, exclaimed hastily, "It matters not. We will not argue with you. You are but one man." The court then adjourned.[1]

On the following Friday, June the 25th, the court again sat. Campeggio was suffering so much from gout that he had to be carried in a litter to Blackfriars. The King was in an adjoining room, where the legates took his oath from time to time when necessary. But the Queen did not appear at all. At the sitting of the court on the following day she was again cited, and the citation was delivered to her in her dining-room at Greenwich.[2] Again, at the next sitting on the following Monday, the 28th of June, she was cited for the last time, and as she did not appear she was pronounced contumacious.

At the sitting on the 25th of June the legates began the inquiry into the marriage, and from this day forth they received evidence on the King's behalf. The opinion of the bishops, to which the King had referred, was produced; but it was no more than a declaration that the King had consulted them about

[1] Cavendish, *ut sup.*, pp. 121, 122.
[2] Brewer, *Calendar*, iv. p. 2531.

his scruples, and had laid before them a book he had written, and that they thought he was uneasy, not without good and weighty reason, and that he ought in the first place to consult the Pope.[1]

The King rested his case for the divorce on three grounds. First, that Katherine's marriage with Prince Arthur had been consummated, and consequently that her marriage with himself was contrary to the eternal, unchangeable, moral, or divine law, and that Pope Julius' dispensation was invalid; secondly, that this dispensation had been got on false pretences; and thirdly, that the Brief, alleged to be in Spain, was a forgery. All these grounds, however, were false assumptions, not facts. There was not the least evidence that the Brief was a forgery, and all the pretended defects in it had already been disproved at Rome.

The Pope had also already declared to Gardiner and Fox that Pope Julius' dispensation afforded no legal ground for a divorce, and he subsequently refused to revoke it. It was on the first ground the King chiefly depended, and in proof of this

[1] Brewer, *Calendar*, p. 2562. (July 1, 1529.)

Cf. Van Ortroy, *Vie du Bienheureux Martyr, Jean Fisher* (a sixteenth century life). Bruxelles, 1893, p. 203. Rymer (*Fœdera*, ed. Holmes, vi. part 1. p. 119) prints this document bearing the seals and signature of the Bishops of London, Rochester, Carlisle, &c. Fr. Van Ortroy argues from the date, 1st of July, that Cavendish has misdated the discussion about Fisher's signature, and that it could not have taken place in the session of June 21.

contention he brought forward evidence. It was, however, obviously unnecessary to prove that the first marriage had been consummated, because the dispensation contemplated this possibility. A glance at the twenty-fifth chapter of Deuteronomy proves that the Jews were ordered by God to contract marriage with a brother's widow under circumstances similar to those of Katherine and Arthur. Such a marriage, therefore, could not possibly be contrary to God's *unchangeable* moral law, and consequently Pope Julius' dispensation was not invalid.[1] Henry's real object, however, was to introduce a new moral doctrine absolutely forbidding such marriages; a doctrine absolutely necessary for his case. Even on his own grounds his suit must have failed, because he could bring forward no evidence whatever except presumptions and allusions, which were quite insufficient to prove his case, and were absolutely denied by Katherine.

When this subject came under discussion, the statements of the counsel on both sides were so contradictory, that some one said, "No one can

[1] At one time Katherine intended to offer evidence to prove that the marriage had not been consummated by bringing witnesses from Spain, but Henry's tacit assent to her appeal to his conscience in the court; and his declaration to the Emperor when he was in England (Pole, *De Unitate Ecclesiæ*, fol. 77); and, more than all, Henry VII.'s proposal to marry her himself (Bergenroth, *Spanish State Papers*, i. p. 295), determined her wisely to rest her case on the laws of the Church, and Pope Julius' dispensation.

know the truth." Whereupon Bishop Fisher exclaimed, "I know the truth." "How do you know the truth?" asked Wolsey. Fisher answered, "I know that God is the truth. He says, '*Quod Deus conjunxit homo non separet?*' Forasmuch then as this marriage was made by God, it cannot be broken by the power of man for any pretended reason." "All faithful men know as much," replied Wolsey, "but the King's counsel bring forward certain presumptive evidence, that the marriage was not good at the beginning, and that it was not made by God. You must therefore go further than that text. You must disprove the presumptions." "It is a shame and dishonour to all here present," broke in Dr. Ridley, "that presumptions which are detestable to all good and honest men, should be alleged in open court." "What!" cried Wolsey; "Sir Doctor, speak more reverently." "No, no, my lord," rejoined Ridley, "no reverence is due to these abominable presumptions, for an irreverent tale cannot be reverently answered. It is unjust of the legates to require the Queen's lawyers alone to take an oath that they will neither write, nor say, nor do anything in the cause except in strict accordance with the Church's laws. If the King's lawyers had been compelled to take the same oath, the case would have been already closed. I am willing to suffer any punishment you please, if on

being compelled to take this oath they do not range themselves on the Queen's side." The King's lawyers, however, received this defiance in silence, as if confessing the truth of Ridley's words.[1]

On Monday, the 28th of June, when the examination of witnesses was proceeding, Bishop Fisher spoke to the following effect: "As the King had said his only object was to have justice done, and had invited them all to throw light on the subject, he would be unfaithful to his Majesty and to God, and would incur the damnation of his soul, if he did not declare publicly the result of his studies during two years. He therefore presented himself before the court to affirm that the marriage could not be dissolved by any power, human or divine, in support of which opinion he was ready to lay down his life. As St. John the Baptist had thought it glorious to die in defence of marriage, and marriage was not then so holy as it had since become through the shedding of Christ's blood, so he could encourage himself more confidently to dare the same peril for the same cause." Finally, he presented to the court the book he had written setting forth the most forcible arguments in support of his opinion.

The Bishop of St. Asaph spoke after him, ex-

[1] Sander, *The Anglican Schism* (translated by Lewis), p. 68. Cf. Cavendish, *Life of Wolsey* (ed. Morley), p. 123.

pressing the same opinion, though more briefly and with less polished eloquence. Dr. Ridley also brought forward many arguments from the canons in favour of the marriage.

Bishop Fisher's conduct took every one by surprise. There was much discussion as to what he would do when put to the test. But all who knew the man he was, foresaw what was likely to happen.[1] He had a great reputation for learning and sanctity, and it was commonly said, that as he was opposed to the divorce the nation would not permit the Queen to be wronged in this matter, and that the King would not be able to persist in his intention.[2]

During the course of the trial the legates went by the King's command to the Queen at Bridewell to make a last effort to persuade her to place the cause in the King's hands. When they asked to speak to her, she came instantly out of her private chamber with a skein of white thread round her neck, and said simply and sweetly, "What is your pleasure with me?" Wolsey asked her to take them into her private room, where they would tell her why they had come, but she bade them speak openly before her attendants, for she did not fear

[1] Brewer, *Calendar*, iv. p. 2539. (Campeggio to Salviati, June 29. 1529.) Cf. Sander, *ut sup.*, p. 67.

[2] Ibid., p. 2540. (Campeggio's secretary to ——, June 29, 1529.)

whatever they could allege against her being heard by all the world. Wolsey then began to speak in Latin, but she begged him to speak in English, though she understood Latin. Hereupon Wolsey said they were come to know her intentions and give her their opinion and advice. She replied, "My lords, I thank you for your good-will, but I cannot answer you suddenly. For I was sitting at work among my maidens, thinking little of any such matter, and longer deliberation and a wiser head than mine are needed to answer such noble and wise men as you. But being a poor simple woman, without wit or understanding, and destitute of friends and counsel in a foreign land, I will gladly hear what advice you would give me." She then led them into her private chamber, where they remained a long time in conversation with her. What passed can never be known; but it was evident to all that their mission had failed.[1]

Whilst events were thus moving to a crisis in England, a great struggle was going on in Rome. On the one hand, the Emperor's ambassadors were incessantly urging the Pope to fulfil without delay his promise to revoke the cause to Rome.[2] On the other, the English ambassadors, having discovered that they had not the least chance of preventing

[1] Cavendish, *Life of Wolsey* (ed. Morley), p. 12.
[2] Brewer, *Calendar*, iv. p. 2393.

the final removal of the cause, were directing all their ingenuity to delay this step till the legates should have pronounced sentence in the King's favour, when, as the Pope believed, Henry intended to marry Anne Boleyn at once, without waiting for papal confirmation.[1] When it was suspected at Rome that the cause was about to begin in England, the agents flatly denied the rumour. When Salviati told them that he knew by letters from Campeggio, and by word of mouth from Francesco Campana, who had just arrived from England, that the cause was being hurried on, they pledged their word that nothing had yet been done, for Dr. Benet, who had left England at the same time as Campana, knew for certain that nothing was done, or would be done, till all the King's requests had been granted at Rome. And when Salviati expressed surprise at their denial, they spoke slightingly of Campana, and accused Campeggio of saying and doing everything to win favour with both the King and the Emperor. They were taken by surprise when the Pope discovered that the King intended to marry without waiting for his confirmation of the legates' sentence. But nothing daunted, "they took an oath a hundred times" that sentence would not be given in England. They warned the Pope of

[1] Brewer, *Calendar*, iv. p. 2536. (Benet and others to Wolsey, June 28, 1529.)

the risk of acting rashly on the word of such a man as Campeggio, and insidiously suggested that the prudent course would be to send a courier to England to ascertain the truth, and to take no step till his return, when his Holiness would have the same power of action as he then had.[1] At the same time they took every possible precaution to prevent free communication between the Pope and Campeggio. Letters were intercepted and held back, or at least delayed, both in Rome and England, and falsehoods were suggested, so as to hoodwink Campeggio, and prevent his protracting the trial, in the hope of its removal.[2] And as a final masterpiece of craft, when the removal was about to be decreed, they proposed that the document should not be published in Rome or Flanders, or given to the Emperor, but sent to the Queen, they having previously warned Wolsey to intercept it, when the bearer should reach any English harbour.[3]

But in spite of this scheming, the Pope learned the truth. He did not, however, deviate in the least from the course he had prescribed for himself. He made no secret of his affection for Henry, and his wish to please him.[4] He lamented with tears

[1] Brewer, *ut sup.*, pp. 2534–2536. (Benet to Wolsey, June 28, 1529). And pp. 2565–2567. (Same to same, July 9, 1529.)

[2] Ibid., pp. 2499, 2537, 2567, 2568.

[3] Ibid., p. 2583. (Same to same, July 16, 1529.) Cf. p. 2608.

[4] Ibid., p. 2569. (Sylvester Darius to Wolsey, July 9, 1529.)

the ruin that would fall on himself, on Wolsey, on the Church and the whole of Christendom, through the loss of England and possibly of France.[1] But he said that the solemn responsibilities of his office compelled him to act as a common father and just judge, and as the Queen had declared on oath that justice could not be obtained in England, he could not refuse to hear the cause without offending his own conscience, causing scandal throughout Christendom, and dishonouring the Apostolic See.[2] All he could do was to delay the removal, and this he did in defiance of the Emperor, so long as he had reason to believe no injustice was being done to the Queen. Even Henry's own ambassador, Dr. Benet, confessed that the Pope had done all he could possibly do to please Henry, and expressed his deep regret that his master had been misinformed, and led to suppose that his Holiness had been influenced by a wish to please the Emperor.[3]

But when, on the 10th of July 1529, the news arrived that the Queen's appeal had been rejected, that she had been pronounced contumacious, and that the cause was being hurried on, the Pope saw that he must not delay longer. On the 13th the removal of the suit to Rome was decided on. The

[1] Brewer, *Calendar*, iv. p. 2566. (Benet, &c., to Wolsey, July 9, 1529.)

[2] Ibid., pp. 2565, 2569.

[3] Ibid., pp. 2565, 2711.

Pope, however, wished it to be decreed in Consistory, and this occasioned a further delay of three days. But as he was too ill on the appointed day to hold the Consistory, the decree was passed in a Congregation, when strong remarks were made by the cardinals on the disgraceful character of the cause. On the 23rd of July the bull removing the cause was published at Rome, and on the 4th of August six copies of it were sent to the Emperor, of which two were to be published in Bruges and Dunkirk or Tournay, and the rest to be sent to the Queen, or to whomsoever in England it might be thought best.[1]

So much time, however, had been lost in carrying out these forms, that had it not been for Campeggio's firmness, the transfer of the cause to Rome would have come too late. As early as the 25th of June he had complained of the difficulty of his position, in consequence of the King's lawyers insisting on interpreting the evidence, to suit their own case—to say nothing of the sentence against the King, which he foresaw he would be obliged in justice to give.[2] Four days later, he wrote that the proceedings were hurried on with inconceivable

[1] Brewer, *Calendar*, iv. p. 2609. (Mai to Charles V., August 4, 1529.) Cf. Sander, *The Anglican Schism*, p. 72. The decree was printed by Le Grand, *Histoire du Divorce*, iii. p. 446.

[2] Ibid., p. 2531. (Campeggio to Salviati, June 25, 1529.)

anxiety, and as the Queen did not appear, the King's lawyers had a clear field to do as they liked, and used every art to procure a sentence in their own favour.[1] And, as time went on, the proceedings were hurried forward with more and more haste—"with great strides always faster than a trot," —and although writings, evidence, and processes had to be examined, not a moment's breathing time was allowed to the legates, who were expected to give sentence on the 22nd of July.[2] Notwithstanding all this, Campeggio assured Salviati that "he would not fail in his duty and office." And while "he would not act rashly nor willingly offend any one, in giving sentence he would keep only God and the honour of the Holy See in view."[2]

Accordingly, when the critical moment arrived and the King was pressing to have a sentence in his own favour recorded at once, Campeggio spoke out boldly. He said that "he had been a lawyer and one of the twelve judges of the Rota for many years, and he had never known such hurry, even in matters of little moment, much less in a cause of such importance as this, which involved the rupture of a lawful engagement, the hurried dissolution of a marriage held valid for twenty years,

[1] Brewer, *Calendar*, iv. p. 2539. (Campeggio to Salviati, July 29, 1529.)

[2] Ibid., p. 2585.

[3] Ibid., p. 2582. (Campeggio to Salviati, July 13, 1529.)

the bastardising of a noble and royal issue, the provocation of a powerful monarch, the sowing of discord amongst Christians, and the contempt of the Papal power of dispensation. It was the universal custom, after the trial of a case, to leave the judges thirty clear days to weigh the evidence and arguments, before they were called upon to give sentence. But in this case, scarcely as many days had passed since the public pleadings had been begun, and he was resolved, for his part, not to proceed in haste, but slowly and safely, as befitted so grave a question.[1]

Great was the astonishment of all who heard the Legate's words, for such were not wont to be spoken in that royal presence. Great, too, was the consternation of Wolsey and his friends. He had pretended that he himself was empowered to pronounce sentence alone. But the Queen's appeal, and the violation of the Church's laws in the conduct of the trial, had made this pretension an empty boast, for he would gladly have used this power had he possessed it, rather than suspend the cause.[2]

Hot and eager disputations ensued. In their course, Campeggio said that his opinion was in

[1] Sander, *ut sup.*, p. 69.

[2] Brewer, *Calendar*, iv. p. 2585. (The Bishop of Bayonne, from London, July 22, 1529.)

favour of the marriage, and if Wolsey agreed with him, he was willing to pronounce sentence; but if he did not agree, sentence would not be pronounced. Neither by fair means nor by foul could they move him from this resolution.[1]

Thus day after day slipped away, till at length Campeggio let it be understood that the Roman custom required the court to be closed from the end of the month of July till the 4th of October. Wolsey accepted this new turn of affairs with his usual cool intrepidity; but Henry could not brook this unaccustomed opposition to his will. Hoping to carry his purpose with a strong hand, he ordered the Dukes of Norfolk and Suffolk and other nobles of his Council to appear before the legates, and insist urgently on the sentence being given. Wolsey was silent. But Campeggio declared that he was bound to be true to God and the Roman Church, in which it was the custom to close the courts from the end of July to the 4th of October, and anything done during that time would have no legal force. The Dukes again insisted that sentence should be pronounced on either that or the following day, which were within the month of July. Again Campeggio replied he could not do this; that he had not come so far to please any man, or to act for fear or favour, but to

[1] Sander, *ut sup.*, p. 2645. (De Prœt to Charles V., September 3, 1529.)

see justice done according to his conscience. He was an old man, both sick and infirm, looking daily for death. What then would it avail him to imperil his soul for any man's favour? Thereupon he forthwith declared the court adjourned according to the Roman custom.

Then Suffolk, striking the table with great violence, exclaimed twice in fury, "By the Holy Mass, no cardinal or legate ever brought good to England."[1] Wolsey answered calmly, "Sir, of all men in this realm you have least cause to disparage cardinals. For if I, a simple cardinal, had not been, you would have had, at this time, no head on your shoulders wherein to have a tongue to speak thus of us. . . . Wherefore, my Lord, hold your peace, and frame your tongue like a man of honour and wisdom not to speak reproachfully of your friends. For you know what friendship you have received at my hands, which I never yet revealed to any man alive, neither to my glory nor to your dishonour." The Duke answered not a word but departed, following the King, who at his first word had left the gallery in which he had sat throughout the trial.[2]

[1] Gayangos, *Calendar of Spanish State Papers*, iv., part 1, p. 236. (Chapuys to the Emperor, September 21, 1529.)

[2] Cavendish, *Life of Wolsey*, pp. 129, 130. Cf. Sander, *ut sup.*, p. 71. In his reply to Suffolk, Wolsey seems to have referred not only to his intercession for the Duke when he had incurred the King's anger by privately marrying his sister, the Queen-Dowager

The suit was thus closed in England. Soon after the Queen received the letters from the Pope, withdrawing the powers of the legates and citing her and the King, under the penalty of excommunication and of a fine of 10,000 ducats, to plead their cause by proxy before the Court of the Rota at Rome.

of France, but more especially to his having saved the Duke's life in 1523, when Henry was so exasperated with him for his ignominious retreat in France and his return to England without leave, that had it not been for Wolsey he would certainly have had him beheaded.

CHAPTER XV.

WOLSEY'S LAST INTERVIEW.

As soon as Wolsey saw that sentence would not be given in England, he wrote to the English ambassadors in Rome, and ordered them to take care that the Bull removing the cause thither contained nothing against the King personally, which would only irritate him. These orders arrived too late. When the ambassadors received them the Bull was already published. It now became necessary to persuade the Queen not to adopt any measures, which the King would certainly consider an interference with his prerogative, and it was hoped the Queen might even consent to drop the suit.[1]

The Pope made no difficulty about removing the censure and the pecuniary penalty, and the Queen was easily induced not to publish the Bull or the act of citation;[2] but she insisted on the suit being

[1] Brewer, *Calendar*, iv. p. 2591. (Wolsey to Benet, Casale, and Vannes.) "Campeggio writes with me to urge the Pope, if it must be granted, to qualify it; for if the King be cited to appear in person or by proxy, and his prerogative be interfered with, none of his subjects will tolerate it; or if he appears in Italy it will be at the head of a formidable army." Cf. also pp. 2622–2625.

[2] Ibid., p. 2669. (Campeggio to Salviati, October 7, 1529.)

carried on at Rome. As Sir Thomas More was a great favourite with the King, she chose him to carry a message from her to his Majesty to inform him that she had received letters from the Pope withdrawing the powers of the legates, and summoning him and her to plead by proxy before the court of the Rota, and to ask what was his pleasure.[1] Concealing his vexation, the King answered that he had known all this for some time, and that he did not wish the summons to be served on himself. He added, however, that the legates might be informed their powers were withdrawn. He also expressed his pleasure that the cause was to be tried in a place common to both parties, and he would do his utmost to have it settled there.[2]

These words had a deeper meaning than they conveyed to their hearers. The English ambassadors were urging the Pope to remove the suit from the court of the Rota into his own hands, and to sign a written promise that in three months he would pronounce sentence in the King's favour, and give him leave to contract a second marriage. The draft of this promise, drawn up by Gregory Casale,

[1] Brewer, *Calendar*, iv. p. 2650. (Stephen Gardiner to Wolsey, September 12, 1529). "I repaired to the King.... The first part ... showing how you had induced the Queen's counsel to be content with exhibiting the brief instead of the letter citatorial, was very agreeable to him."

[2] Sander, *The Anglican Schism*, p. 72.

is now to be seen in the Record Office.[1] Henry himself also wrote to the Pope to press this request; but before his letter arrived, the Pope had written to him regretting that he could not comply with his wishes.[2]

The English ambassadors also demanded that the cause should be suspended till Christmas, and that the power of suspending it in future should rest with the Pope. The Spanish ambassadors were willing to have it suspended for a month, but no longer,[3] and they objected to the Pope having the power of suspending it in future.

This discussion brought to light the policy on which the Pope had resolved to act. As Henry had not brought before the legates any grounds for the divorce, except those which Gardiner and Fox had stated at Orvieto, and which the Pope had

[1] Brewer, *Calendar*, iv. p. 2629. (August 29, 1529.)

[2] Ibid., p. 2667. (October 6, 1529.)

[3] Ibid., p. 2628. (De Praet and Mai to Charles V.) "Told the Pope yesterday that if he wished to suspend judgment for a month, to see if the King was really inclined to justice, we were content." They add later, "The truth is, it would be by no means safe for the Pope to take upon himself the decision: for he might die, or times might change, or, if there were nothing else, it would encourage the English every day to ask for new decretals: for great concessions are made to them even to this day, whether it be owing merely to the Pope's good faith, or to the bribery of some one of the ministers, for it is said they are very free in spending in respect of this cause."

already declared insufficient, it was evident that none in reality existed. Under these circumstances, the suit before the Rota would be a mere form. The Pope could only repeat his previous judgment with greater solemnity, and thus, within a few weeks, sentence against Henry would be given. It was impossible for the Pope to shut his eyes to the fact that Henry's revolt from the Church would be the immediate consequence of this decision, and a schism in England, and possibly in France, would certainly follow. Would the Pope then be justified in causing such a disaster? He concluded to delay decisive action, trusting that time and unforeseen accidents might cool Henry's passions, and soften his obstinacy. The Emperor seems to have shared the Pope's feelings, for he overruled the objections made by his own ambassadors. The cause was therefore suspended till Christmas,[1] and soon after till Easter. Later still it was put off, at Henry's request, till the following September, on his promising that meanwhile he would not take any step in opposition to his Holiness.[2]

[1] Brewer, *Calendar*, iv. p. 2668. (Clement VII., October 7, 1529, to Henry VIII.) "Has suspended his cause."

[2] Ibid., p. 2629. On August 29, 1529, the Pope, by brief, suspends the hearing of the cause till Christmas. See ibid., pp. 2641, 2840. On April 10, 1530, the King, in a letter to Clement VII., alludes to the latter's decision to put off the case "till September and later." Cf. ibid., p. 2899.

It now remained only for Campeggio to take leave of the King and depart. Ever since the closing of the court, Henry had refused to hold any personal communication with Wolsey. He knew, however, that no one else would serve him with so much zeal and ability, and he therefore continued to make demands on his services through Gardiner, who had become the royal secretary on the 28th of July, and retained relations with his old master. When Wolsey now asked for a personal interview Henry was "somewhat troubled," and made difficulties about granting it.[1] He was at last induced to do so, only on condition that the legates were not to have their crosses carried before them, and their retinue was to be limited to ten or twelve persons, instead of their usual long cavalcade.[2]

About the 20th of September the legates went to Grafton in Northamptonshire, so that Campeggio might take his leave of the King. Before their arrival, reports were circulated that Henry would not speak to Wolsey, and bets were made upon it. On their arrival, Campeggio was conducted to his apartments with due honours. But Wolsey was told that no lodging had been appointed for him, and he was indebted to the courtesy of Sir Henry

[1] Brewer, *Calendar*, p. 2650. (Gardiner to Wolsey, September 12, 1529.)

[2] Gayangos, *Spanish State Papers*, iv., part 1, p. 235. (Chapuys to the Emperor, September 21, 1529.)

Norris for the use of his room to change his riding-dress.

Before long Sir Henry Norris summoned him to the Presence Chamber. There the Lords of the Council and many other courtiers were assembled, eagerly watching to see how the King would receive the English cardinal. Wolsey took off his cap "most gently" to every one of them, and they did the same to him. Immediately after his arrival the King came in, and stood under the royal canopy. Both cardinals knelt, and he gave them his hand to kiss, after which he raised Wolsey by both arms with as friendly a countenance as ever.

He talked for a long time with Campeggio, chiefly about the divorce. He was much disappointed, as was natural, and was especially displeased at the citation, complaining that nothing had been given him except words. But on every other subject he seemed to be perfectly sound. He assured Campeggio that he would never fail to act as a most Christian king and defender of the faith, "and that though all the world should prove false, he himself would never fail in doing service as a good Christian king,"[1] and against any attacks on its liberty, which might be made by his own Parliament. He spoke with such earnestness that he apparently deceived Campeggio as to his intentions for the future. He

[1] Brewer, *Calendar*, iv. p. 2669.

was greatly pleased with a letter from the Pope, which Campeggio presented to him, in which his Holiness exhorted him to treat the Queen kindly. On which he remarked, "See, though he can command he only exhorts." Finally he dismissed Campeggio most kindly. He then led Wolsey aside to a great window, where he bade him "be covered," and talked to him long and earnestly. In the course of conversation he drew a letter from his breast and said, "How can that be? Is not that your hand?" After a time he bade him go to dinner with the Lords of the Council, and after dinner he would come and talk to him more about that matter.

The King then himself went to dinner in the chamber where Anne Boleyn lived more like a Queen than a simple maiden. She was as angry with him as she dared to be, and spoke very bitterly against Wolsey; but he answered, "He is not to blame, as I know better than you, or any one else." Immediately after dinner he returned to the Presence Chamber, and calling Wolsey to the great window, talked confidentially to him, and after a time took him to his private apartment, where he remained in consultation with him till night. On parting he bade him come early next morning to finish the conversation.

Wolsey slept that night at Mr. Empson's at Euston, three miles from Grafton, and many of his

friends came to sup with him. The next morning he rose early and went at once to the Court, but he found the King on the point of starting for Hartwell Park, where Anne, wishing to prevent any further communication with Wolsey, had arranged that he should dine. The King bade him attend the meeting of the Council, and then go away with Campeggio.[1] He was therefore obliged to take his leave and depart. Henry and his great minister never met again.

[1] Cavendish, *Life of Wolsey*, pp. 132–138.

CHAPTER XVI

THE FALL OF WOLSEY.

Up to this time Henry had borne his disappointment with befitting dignity. He could not, however, let Campeggio depart without indulging his spleen by grossly insulting both him and the Pope.

Campeggio was detained in London by illness till the 5th of October, and could not cross the Channel till the 26th.[1] On his arrival at Calais, the custom-house officers, by the King's orders, asked for his keys to examine his luggage, on the pretence that he was carrying to Rome enormous quantities of gold and silver for Wolsey, who would shortly follow. Campeggio refused to give his keys, claiming the privilege always granted to legates and ambassadors. They therefore broke open the locks; but found in the boxes much less money than the King, according to custom, had given him on his departure. Whereupon he taunted them with being very silly for supposing that he, who had been proof

[1] Brewer, *Calendar*, iv. pp. 2669. (Campeggio to Salviati, October 7, 1529.)

against gifts offered by the King, could be corrupted by the Cardinal.[1] He wrote to the King complaining of this outrage on his legatine office and the Pope's dignity; but Henry answered him with brutal insolence, denying that any wrong had been done to his legatine office, which had expired when the Pope forbade him to exercise its powers, and wondering that he should not be afraid to assume the title of legate in England, where he was bound by the most solemn obligations to respect the royal dignity and prerogatives.[2]

But it was on Wolsey that Henry vented the full measure of his wrath. Up to the first week of October,[3] Wolsey continued to attend meetings of the Council at which the King was not present. On the first day of Michaelmas term 1529, he went to Westminster Hall and sat as Chancellor for the last time. On the same day, two bills were filed against him in the King's Bench, for having, in the fifteenth year of the reign, transgressed the Statute of Provisors by acting as the Pope's legate, and having thereby incurred the penalty of *præmunire*, which deprived him of all

[1] Pocock, *Records*, ii. p. 69. (Chapuys to the Emperor, October 25, 1529.) Also Brewer, *Calendar*, iv. p. 2683.

[2] Brewer, *Calendar*, iv. p. 2677. (Henry VIII. to Campeggio, October 22, 1529.)

[3] Gayangos, *Calendar of Spanish State Papers*, p. 276. (Chapuys to the Emperor, October 8, 1529.)

his possessions and of his personal liberty at the King's pleasure.[1]

The next few days he stayed at home expecting a visit from the Dukes of Norfolk and Suffolk. They came on the 15th of October, and brought a verbal message from the King demanding the Great Seal, and ordering him to go to a house he had at Esher; but as they had no written authority he refused to part with the seal, and showed them letters from the King ordering him to keep it for life. The Dukes were therefore obliged to return to Windsor. They came back the next day, October the 18th, with letters from the King, and these Wolsey received most respectfully and prepared to obey.[2] Before he left York Place he signed a deed making over to the King all his temporal possessions;[3] but a promise was given him that none of his spiritual promotions should be taken away, as, indeed, was only in accordance with the law.[4] He had occupied himself the last few days in taking inventories of his gold and silver plate, jewels, and rich stuffs, which were of almost countless value, and having

[1] Brewer, *Calendar*, iv. p. 2686. (October 30, 1529.)

[2] Ibid., p. 2678. (Wolsey to the King, October 22, 1529.) Acknowledges that he has incurred the penalties of *præmunire*, &c. He delivered up the Great Seal October 17 (ibid., p. 2681). Cf. ibid., the letter of Chapuys to Charles V.

[3] Ibid., p. 2678. (October 22, 1529.)

[4] Ibid., pp. 2714, 2762, 2763.

them laid out on tables to await the King's coming to take possession of them. He now bade Sir William Gascoigne deliver them safely to his Majesty, saying, "I would have all the world know that I have nothing, neither riches, honour, nor dignity, that has not come to me from him. It is therefore my duty to give them all up to him as his very own with my whole heart."

On going down to his barge, he found the river covered with boats filled with courtiers, citizens, and persons of all ranks whose hatred he had won by his zeal in the King's service, and who now assembled, hoping to see him conveyed to the Tower. Great then was their disappointment when the barge was rowed up the river.

At Putney he left his boat and mounted his mule. Before he got through the town, Sir Henry Norris rode down the hill to meet him, bringing him a message from the King, bidding him be of good cheer, for he was as much in his favour as ever, and he had dealt unkindly to him only to please some who were not his friends. Sir Henry also gave him from his Majesty a gold ring set with a precious stone, which Wolsey at once recognised as a private token between him and the King whenever his Majesty desired any special service of love to him. Wolsey was so overjoyed at this unexpected message that he leaped from his mule,

and kneeling down on both knees and pulling off his cap, poured out aloud his thanks to God and his sovereign lord and master. When his servants had, with difficulty, got him to mount again on his mule, he and Sir Henry rode up the hill through the town to Putney Heath, where the latter took his leave. On parting Wolsey gave Sir Henry a gold cross containing a piece of the true Cross. This the Cardinal had prized, and always wore round his neck, but it was now all that he had to give, and he bade him, whenever he looked at it, commend him to the King. After he had passed on a short distance he turned, and calling back Sir Henry made over to him, as a token of his love and duty to the King, his fool, Patch, who, he said, "was worth a thousand pounds for a nobleman's pleasure." But when the poor fool found he was being taken away from his master, he cried out aloud and resisted so violently that six of the Cardinal's tall yeomen had to be sent to convey him to court.

The house at Esher, a palace belonging to his See of Winchester, was large but unfurnished, and for many weeks Wolsey and his suite had no household furniture except what was lent him by his neighbours, the Bishop of Carlisle and Sir Thomas Arundell. But bodily discomforts were to the Cardinal as nothing compared to his mental distress.

A few days after he had reached Esher, the

French ambassador paid him a visit, and described him as being in a pitiable state. His countenance was dejected and his features shrunk. He had lost heart and courage, and could scarcely tell his sad tale coherently. He said that he did not wish for the legateship, nor for office, nor influence; that he was ready to give up everything even to his shirt, and to go and live in a hermitage, if only the King would not keep him under his displeasure. He besought the French king and his mother to intercede for him, at the same time warning them that the least hint that they did so at his request, would be immediate death to him.[1]

On the 22nd of October, the judges came to examine him in connection with the *præmunire*. In answer to their inquiries, he said: "The King knows whether I have broken his laws or not in the exercise of my legatine powers, for which I have in my coffers my license under his hand and seal. Notwithstanding, I will not stand up against him in his own cause, but will plead guilty and throw myself wholly on his mercy, trusting to his godly disposition and charitable conscience. . . . I have never disobeyed him or opposed his will, but have always taken pleasure in carrying out his commands rather than those of God, which I ought rather to

[1] Brewer, *Calendar*, iv. p. 2675. (Du Bellay, October 17, 1529.) Cf. also p. 2678.

have obeyed, of which negligence I now greatly repent me."[1] He afterwards told Cavendish that he followed this course because he was certain the King would work his destruction rather than restore him his goods or yield a single point, and it was better not to risk his life and liberty, but to throw himself on the mercy of the King, who, he felt sure, would have a remorse of conscience if he did so.[2]

He now led a very devout life, saying Mass daily, praising God for having given him this opportunity of repenting of his sins, and declaring to every one that he had never enjoyed greater peace of mind, and were the King to restore him to his former position he would return to it most unwillingly.[3]

On the 24th of October, Henry, accompanied by Anne Boleyn and her mother, went to inspect Wolsey's personal property.[4] The King was surprised and overjoyed at the sight of the gold and silver plate, jewels, and rich stuffs, which were of extraordinary value. But they did not satisfy Anne's rapacity. The palace of York Place itself had lately been enlarged and decorated in a magnificent style by Wolsey, and she insisted on

[1] Cavendish, *Life of Wolsey*, pp. 158–160.

[2] Ibid., p. 199.

[3] Gayangos, *Spanish State Papers*, iv., part 1, p. 370. (Chapuys to the Emperor, December 13, 1529.)

[4] Brewer, *Calendar*, iv. p. 2683.

having it for her private residence. The judges were accordingly required to declare that the King had a right to take it, and that Wolsey might resign it to him, and Shelley, one of their number, was sent to get Wolsey's signature to the deed of transfer. In spite of the hopelessness of the case and his own helpless position, Wolsey boldly defended the rights of the Church, contending that the King ought to have respect to conscience rather than to the letter of the common law. When at last he could no longer oppose the King's will, he said: "Inasmuch as you, Fathers of the law, say I may lawfully do it, I lay it on your conscience, so as to free mine. But I pray you to tell the King from me, that I most humbly beseech his Highness to call to his remembrance, that there is both heaven and hell."[1]

On the 23rd of October Wolsey was judicially declared a rebel and traitor, all his property was forfeited, and his person was placed at the King's mercy. About the same time a bill of indictment for treason, intrigues with foreign powers, and other grave crimes was drawn up by his bitterest enemies, to be brought before Parliament.[2] The articles in this bill were declared by the fallen minister to be in great part untrue, while those that were true

[1] Cavendish, *Life of Wolsey* (ed. Morley), p. 168.

[2] Brewer, *Calendar*, iv. p. 2712. (Articles against Wolsey.)

involved neither malice nor treason on his part against the King or the realm.[1] Still he felt that the least of them might cost him his head, for he knew the King's fierce and sanguinary temper and the malice of his enemies, at the head of whom was Anne, the "nightcrow," as he called her, who was ever pouring calumnies against him into the King's ear.

It is true, that Henry sent him, on All Souls' night, by Sir John Russell, "a great gold ring with a Turkis," and a message that he "loved him as well as ever," that his "mind was full of his remembrance," and that he "was not a little displeased at his troubles." But Sir John was ordered to go to Esher secretly after every one was in bed, and though it was a pouring wet night, and he was drenched through with the rain, he would not wait till morning, because he said he must be back at Greenwich before day, and he would on no account it were known he had been with the Cardinal that night. Such messages, though they might give momentary consolation, only proved the hopelessness of the case, for they revealed the utter heartlessness of a tyrant, who was not ashamed to profess love and sympathy for his victim at the very moment when he was inflicting mental tortures on him, in order to spare himself a slight uneasiness on the smooth current of his pleasures.

[1] Brewer, *Calendar*, iv. p. 2715.

In the depth of his affliction, Wolsey had but one consolation. This was the attachment of the members of his household, who had followed him to Esher. But as he had not the means of maintaining them, he assembled them on All Saints' day, and thanking them for their faithful service, while the tears ran down his cheeks and theirs, he bade them take a month's holiday with their friends. Some, however, refused to leave him, among whom was his gentleman usher, Cavendish, and his confidential secretary, Cromwell.

Thomas Cromwell was the son of a blacksmith at Putney. He began his career in the service of merchants at Antwerp and Venice. He afterwards came to London, studied law, and was employed by Wolsey in the work of transferring to his new colleges in Ipswich and Oxford, the lands of certain monasteries which the Cardinal had got leave from the Pope to suppress. He discharged this trust with such ability and fidelity, that Wolsey esteemed him highly. But he treated the monks with such harshness, that he incurred popular hatred, and loud clamours for his punishment were now heard on every side. He was greatly troubled by this outcry, and in desperation he got leave from Wolsey on this All Saints' day to go to court, "to make or mar," as he said, the fortunes of himself and his master.

Cromwell was utterly and unblushingly unprincipled. He openly declared that virtue and vice were mere names, fit to amuse men in colleges, but not to be thought of by men at court; that the great business of a politician was to penetrate the secret desires of his sovereign, and to devise expedients for gratifying them without appearing to violate religion or morality.[1]

By acting on these principles, he now quickly ingratiated himself with Henry. He had the acuteness to perceive that the latter had no personal ill-feeling against Wolsey, and that though he allowed the bill against him to be brought into Parliament, he did not wish him to be attainted, because this would deprive him of the power of pardoning him.[2] Cromwell, therefore, secured a seat in Parliament, and whenever anything was said against his old master he stood up in his defence. And when on the 1st of December the bill was brought forward,[3] he opposed it with such eloquence and sound reasoning that it was thrown out. He also took care to bring himself constantly before the King in connection with Wolsey's lands. And above all, when he wanted a favour

[1] Pole, *Apologia ad Cæsarem*, p. 133.

[2] Brewer, *Calendar*, iv. p. 2780. (Chapuys to Charles V., February 6, 1530.)

[3] Ibid., p. 2712. (Articles against Wolsey.)

for the Cardinal he applied directly to the King himself, who would gladly grant it, and at the same time would praise his fidelity to his fallen master.

There was a general belief that Wolsey's disgrace was only temporary, and that whenever the King should need his advice he would be restored to his former favour. Foreign princes and ambassadors, and all who came into personal contact with the Cardinal, therefore treated him with the same courtesy as before. Some even ventured to speak to the King on his behalf,[1] but Anne and her friends were rendered only the more exasperated against him, and plotted together how they could drive him into some act of petulance, which would make the King angry, or how by constant insults and annoyances they might at least worry him to death. He bore their petty malice, however, with exemplary patience. Still his health gave way under the prolonged persecution, and at Christmas he fell dangerously ill. The King sent his own physician, Dr. Buttes, to see him, who reported that he was in imminent danger, and that the only hope of saving his life was for the King to send him a consoling message. In great alarm, Henry sent him a ring, which Wolsey had formerly given

[1] Brewer, *Calendar*, iv. pp. 2685, 2781.
[2] Ibid., pp. 2762, 2793.

him, and made Anne send him the gold tablet which hung from her girdle, and the most able physicians of the day were ordered to attend him. The spirit of the Cardinal revived by the marks of his master's favour, and he at once began to rally. In a few days he was out of danger, and his health continued to improve daily.

From this time Henry treated him more kindly. At Candlemas, ~~1530,~~ he sent him several cartloads of plate, hangings, chapel furniture, and provisions. About the same time he granted him a formal pardon, and leave to retain his archbishopric and about £3000 a year of the revenues of the bishopric of Winchester.[1] About the same time, Cromwell obtained leave for him to go to the Lodge in Richmond Park, as the damp air of Esher was not good for him. 1530

A short season of peace and calm now dawned on the unhappy Cardinal, and he turned it to the best account in reviewing his past life. At the beginning of Lent he had leave to remove to a house adjoining the Convent of the Carthusian monks at Sheen. Here he remained till Passion Sunday, occupied with the care of his soul. He joined the monks in all their offices in the choir, and spent many hours daily with them in their cells. Under their

[1] Brewer, *Calendar*, iv. p. 2781. (Chapuys to Charles V., February 6, 1530.)

guidance he purified his conscience, and formed holy resolutions to devote himself to the duties of his high spiritual office. They also trained him, during these weeks, in habits of recollection and prayer, and taught him the need of penance for the sins of his past life.

His enemies, however, could not let him rest long in peace. In order to remove him to a distance from the court, they persuaded the King to order him to go to his archbishopric of York. And when want of money compelled him to delay his journey, the Duke of Norfolk said to Cromwell: "Tell him he must go quickly, or I will tear him with my teeth."

He began his journey early in Passion week. From Palm Sunday till the Thursday in Easter week he stayed at Peterborough Abbey, joining the monks in all the rites of that holy season; walking with them in procession, washing the feet of fifty-nine men on Holy Thursday, and giving the customary indulgences on Easter Sunday. On the Wednesday in Low week he rode to Southwell, three or four miles from Newark, where he had a house, and here he remained till Whitsuntide.

The fruit of his sufferings and of his retreat with the Carthusians now appeared in the humility and sweetness of his bearing. According to the custom of the time his house was open to both rich and poor, and he gained the love and esteem of all by his

gentle familiarity towards them. He treated his poor tenants, and all who were in distress, with great compassion, winning their confidence by his sympathy, and relieving their wants with boundless charity. Above all he sought to make up quarrels among neighbours and relatives, often giving feasts to bring enemies together, and sparing neither trouble nor expense to promote general peace and friendly feelings. On holidays he would ride five or six miles, now to one church, now to another, where he or one of his chaplains would say Mass. He would bring his dinner with him, so as not to be a charge to his flock, and would invite many of the parishioners to dine with him. He would then ask whether there was any dispute or ill feeling in the parish, and if there was he would send for the parties and reconcile them. Thus, he, who before he came to the North had been the most hated of all men, after he had been there a while had won the affection of all.

But even at this distance from court the malice of his enemies pursued him, misrepresenting his every act. When he was having holes in the walls and roofs of his houses mended to make them weather-tight, he was said to be engaged in erecting magnificent buildings.[1] The charity and hospitality, which were a duty incumbent on his spiritual office, were

[1] Brewer, *Calendar*, iv. p. 2895 (June 10, and p. 294. August 1, 1530.)

reported to be a return to his former pomp; and the popular love which was won by his virtues, was misrepresented as wickedly designed to corrupt the loyalty of the King's subjects.[1] Explanations were frequently required as to some act of injustice falsely imputed to him when he was Chancellor;[2] or money pretended to be owing by him, was claimed.[3] Payments out of the revenues of his archbishopric would also be demanded of him, and his remonstrances would be silenced by the threat, that there was a legal flaw in his pardon, and unless these payments were forthcoming it would be declared void, and he would be removed from his See.[4] Such demands were the more distressing because he was himself in great poverty, and neither from the King nor the Duke of Norfolk, nor Anne Boleyn, before whom even he humiliated himself so far as to ask for her intercession, could he obtain the least relief.[5] These troubles, however, did not press on him as they had formerly done, because he found ample consolation in the practice of penance and his spiritual duties. Moreover, Cromwell, Gardiner, and his other friends spoke in his favour whenever they could prudently

[1] Brewer, *Calendar*, iv. p. 2960 (Cromwell to Wolsey, August 18, 1530); also p. 3013 (Thomas Arundell to the same, October 17); also p. 3035 (Chapuys to Charles V., November 27).

[2] Ibid., p. 2906. (Wolsey to Henry VIII., June 21, 1530.)

[3] Ibid., p. 2967. (Wolsey to Norfolk, August 25, 1530.)

[4] Ibid., p. 2716. (Cromwell to Wolsey, December 1529.)

[5] Ibid., p. 2715.

do so, and there was no doubt as to his Majesty's good will.

In the course of the summer he removed to Scroby, and thence about Michaelmas to Cawood Castle, seven miles from York. On his way to Cawood, he stopped at St. Oswald's Abbey. Here he stood from eight o'clock in the morning till noon, from two till four in the afternoon, giving Confirmation to children, when from excessive weariness he was compelled to desist. The next morning, before leaving the Abbey, he Confirmed a hundred more, and at a stone cross, near Ferrybridge, where two hundred were waiting for him, he dismounted from his mule and Confirmed them all.

Both at Scroby and at Cawood he followed the same mode of life as at Southwell, winning the love and reverence of both rich and poor by his charity and hospitality. The Dean and clergy of York welcomed him, for hitherto, as they said, "they had like fatherless children been comfortless." He responded heartily to their welcome, assuring them that he had come, not to be with them for a time, but to spend his life with them as their "Very father and mutual brother." As he could not enter the choir till he had been formally installed, he made arrangements with them for his installation on Monday, the 7th November. They wished to lay down cloth for him to walk

on from St. James's Chapel outside the city to the minster; but he declined this honour, because, he said, he was going only in obedience to the rules of their Church, and not from any feeling of triumph or vainglory.

He arranged to sleep at the Dean's house on Sunday night, to give a great dinner on Monday to all who would come, to dine with the Mayor on Tuesday, and to return to Cawood the same evening. All the gentry and religious houses in the neighbourhood, in token of their love and respect, sent, unknown to him, vast quantities of fat beeves, sheep, wild fowl, venison, and other dainties of the season, to furnish for his dinner at York, an extraordinarily sumptuous feast.

These preparations for a joyful holiday were abruptly cut short. On Friday the 4th of November, as the Cardinal and his household were at dinner, the Earl of Northumberland and Sir Walter Walshe, a gentleman of the King's Privy Chamber, unexpectedly arrived. It was understood that they brought a message from court. Such messages being frequent, excited little attention. But something unusual seemed to be betokened, by an evident constraint in the demeanour of the present messengers, and especially in that of the Earl of Northumberland, who, as Lord Percy, had been in Wolsey's household, and was thus held to be very

closely bound to him. They gave, however, no hint as to the purport of their mission till the Earl was alone with Wolsey in his bedchamber; no one else except Cavendish, who kept the door as gentleman usher, being present. Then, as they stood at a window talking, the Earl laid his hand on Wolsey's arm, and trembling, said in a low faint voice, "My Lord, I arrest you for high treason."

Wolsey started and turned pale. Soon, however, recovering himself, he asked for the Earl's commission. But the King, it appeared, had forbidden them to show it. Upon this, Wolsey refused to give himself up to the Earl, but submitted himself to Sir Walter, who, as a member of the King's Privy Chamber, had thereby a sufficient warrant for arresting the highest peer in the land. At the same time he called God to witness that he had never committed any offence against the King in either word or deed. The Earl and Sir Walter treated him with the greatest possible courtesy, and he responded by ordering all his followers to obey them in everything.

The immediate cause of Wolsey's arrest was very simple. It happened one day that the King, complaining of something done in the Council, exclaimed that the Cardinal had managed matters better than any of them, and repeating this twice went

away in a rage. Anne Boleyn and her friends were frightened. She wept incessantly, mourning over her lost time and honour, and threatening to leave the King. Henry tried in vain to soothe her, but nothing would satisfy her except the Cardinal's arrest. At this juncture Augustine, the Cardinal's confidential physician, happened to come to London. The Duke of Norfolk took him into his house, treated him very liberally, and quickly got him to say whatever was wished. He pretended to confess that the Cardinal had been stirring up the Pope against the King, and intriguing with the King of France for his support.[1] It had been supposed that the King, on hearing these grave charges, would fly into one of his usual fits of rage, and order Wolsey to be beheaded. Anne and her friends were, therefore, not a little alarmed when he merely ordered the Earl of Northumberland and Sir Walter Walshe to bring him up to London to stand his trial, and meanwhile to treat him with the greatest possible courtesy and consideration. It seemed as if they had outwitted themselves, and had opened to the Cardinal the

[1] Brewer, iv. p. 3035. Chapuys, writing (November 27, 1530) to Charles V., says that "according to the confession of the Cardinal's physician, the Cardinal had solicited the Pope to excommunicate the King if he did not banish the lady [Anne Boleyn] from the court, and treat the Queen with due respect. He hoped by this to raise the country, and obtain the management," &c.

way to the King's presence again and to his former favour.

The unaccountable and persevering contradictions in Henry's treatment of his long-trusted minister, when viewed in connection with the deep, calculating cunning of his character, leave scarcely a doubt in the mind that a further motive than the mere gratification of avarice and the reckless selfishness of a voluptuary, prompted this strange mixture of much cruelty and much affection. This motive would seem to have been, to teach Wolsey by personal experience his own helplessness and the full extent of his sovereign's power, and thereby to mould him into even a more pliant instrument than hitherto, for carrying out ideas which had long been floating through Henry's brain, and to which Wolsey would naturally be opposed. These vague dreams of the royal mind had at this crisis taken a definite form. About a fortnight before Wolsey's arrest, on the 21st of October 1530, Cromwell wrote to him that when Parliament met in January the prelates would not appear in the "præmunire," as was expected, because there was "another way devised in place thereof, as he would hereafter know."[1] Doubtless Wolsey's removal to court at this juncture was connected with this "other way," which Henry well knew none

[1] Brewer, *Calendar*, iv. p. 3019. The letter is dated October 21 1530.

could carry out so well and with so little dishonour to his sovereign, as his great minister.

On Sunday, the 6th of November 1530, Wolsey left Cawood. He insisted on bidding farewell to his servants, who had been clamouring to see him. As they knelt weeping round him, he thanked them in touching words for their zeal and fidelity in his service. Outside the gate three thousand country people awaited him. They followed him weeping and lamenting his departure, calling down blessings on his head and curses on his enemies. As he passed on his way some of this crowd fell off, but others took their places, thus keeping up this mournful procession of loving hearts throughout his journey by Pontefract Priory and Doncaster to Sheffield Park. Even though he went from Pomfret to Doncaster by night, in order to avoid the throng, the people would not let him leave them without a last greeting, but ran along before or after him all the way, carrying lights in their hands.

On Tuesday the 8th he reached Sheffield Park, where he was most honourably entertained by the Earl of Shrewsbury. The Earl did all he could to cheer him, assuring him that he received daily letters from the King ordering him to treat him as one whom he loved and favoured, and trying to induce him to join in a stag-hunt in the Park. But in vain. The Cardinal refused all earthly pleasures, and spent his time in

prayer. The only favour he asked of the Earl was that he should petition the King to let him answer his accusers in his royal presence, though he greatly feared they would despatch him secretly before he should reach his master.

In consequence of this request the King sent Sir William Kingston, and a guard of twenty-four of Wolsey's old servants, now in the King's service, to bring him into his presence. They arrived at Sheffield Park on Tuesday the 22nd of November. Though Sir William was an old friend of Wolsey's, yet the latter was alarmed at seeing him because he was Constable of the Tower. Sir William and Lord Shrewsbury tried to cheer him, pointing out how kindly the King had acted in sending his old servants to protect him against the enemies he feared. But Wolsey answered disconsolately, "I know more than you can imagine or know. Experience of old hath taught me."

On the previous day he had been attacked whilst at dinner with violent pain, and soon after dysentery came on. He was consequently too ill to travel on Wednesday, and Lord Shrewsbury's physician told Cavendish he would not live more than four or five days. On Thursday, however, he was better again, and rode to a house of Lord Shrewsbury's at Hardwicke-upon-Lime, in Nottinghamshire. His guard wept when they saw their old master in such a pitiable

state. He shook hands with each of them, and talked to one or another as he rode along. The next day he was worse, but still rode on to Nottingham, and the day after, Saturday the 26th, to Leicester Abbey, though during the day he was so ill that he was often on the point of falling from his mule. It was night when he reached the Abbey, and the Abbot and canons came out with torches to receive him. As he entered the precincts he said, "Father Abbot, I am come to lay my bones among you." He was so weak that his mule was brought to the foot of the stairs which led to his bedroom. Sir William helped him up the stairs, and he afterwards said that he had never in all his life carried so heavy a burden.

From this time the Cardinal became rapidly worse, so that on Monday morning Cavendish, who had sat up with him all night, thought he was drawing fast to his end. Seeing Cavendish's shadow on the wall he asked who was there, and a minute after what o'clock it was. Cavendish answered that it was eight o'clock. He replied, "Eight o'clock! That cannot be. Eight o'clock! Eight o'clock! That cannot be, for by eight o'clock you will lose your master."

After dinner a messenger from the King arrived to inquire about £1500 which appeared in his books, but which could not now be found. He expressed great sorrow that the King should suspect him of

deceit and embezzlement, for he had always looked on all he possessed as the King's property, and in taking it now his Majesty had only anticipated his intention of leaving it to him after his death. He explained that he had borrowed this money from persons whom he named to bury him and to reward his faithful followers, trusting that the King would pay it back to those who had lent it. It was now in the hands of an honest man who would not keep one penny from the King, and next day he would tell Sir William his name, but he begged him meanwhile to be patient with him. Sir William kindly forbore to press him. After his death Cavendish told the King the name of the priest who had charge of the money.

During the night he was so evidently sinking that Cavendish called up his chaplain, and with him the Cardinal then spent an hour in Confession. At seven o'clock in the morning Sir William came to see him, and tried to cheer him by assuring him he had no cause for any misgivings, by which he made himself worse. But he answered, "Well, well, Master Kingston, I see how the matter is framed against me. But if I had served God as diligently as I have served the King, He would not have given me over in my grey hairs. This is the just reward for my worldly diligence, and the pains I have taken in serving the King to

gratify his will and passions, not regarding my duty to God."

While he was thus speaking with Kingston sight and speech began to fail. The Abbot was sent for in haste, and gave him the last rites of the Church. His guard, too, was called in to hear his last words and witness his death. As the clock struck eight he expired, and all who stood by recalled his words the previous day foretelling the hour of his death.

In laying him out a hair shirt next his skin was found, and his chaplain bore witness that he was in the habit of scourging himself with disciplines. All that day, November the 29th, he lay in state in his room in an open coffin vested as an archbishop. Four or five hours after sunset he was borne by torchlight to the Lady Chapel in the Abbey Church, where the canons and poor men watched by him through the night. At five in the morning Mass was said, and before six he was buried with all due ceremony. The depth and sincerity of his repentance had won for him the signal favour of being taken away from the temptation that awaited him, when his life or death would doubtless have hung on his consenting to lead the attack on the Church, which Henry was about to open.

CHAPTER XVII.

DELAY.

WITH the closing of the Legatine Court and the fall of Wolsey the great cause entered on a new phase. Campeggio's recent opinion on the Queen's side, and the Pope's persistent refusal to over-ride justice and traditional law in Henry's favour, left no room for doubt as to what would be the result of the suit at Rome. The idea of submitting to authority seems not even for a moment to have crossed Henry's brain. Still he was not prepared, especially without the help of the master genius on whom he had leant for twenty years, to separate from the Church, and thereby to outrage the feelings of his subjects, to cut himself off from communion with all the great powers of Europe, and to place himself on a level with the German heretics, whom he so heartily despised. Under these circumstances he, too, could only seek delay, which, as has already been told, was easily granted him by the Pope.

Meanwhile he did not leave his intentions for the

future in doubt. He told the Queen plainly that he prized the Church of Canterbury as much as people across the sea did that of Rome,[1] and that if the Pope would not declare their marriage null, in conformity with the opinions of the Universities he was about to get, he would denounce him as a heretic and marry whom he pleased.[2] No secret was made of an intended reform of the clergy, as it was called, which would place all Church property in his hands. To this it was hoped his subjects would easily consent, partly owing to the unpopularity and exactions of the ecclesiastical courts, and partly because they were to be told that no more of their money would henceforth go to Rome.[3] The Dukes of Norfolk and Suffolk, and the Earl of Wiltshire informed the nuncio, that though hitherto the nation had shown incredible obedience to the Pope, not because they were bound to do so, but quite voluntarily, yet now they cared neither for the Pope nor even for St. Peter were he to come to life again, and that the King was absolute in England both as Emperor and Pope.[4]

In his relations with Anne, also, Henry defied both the Church's authority and the feelings of his

[1] Gayangos, *Spanish State Papers*, iv., part 1, p. 386. (Chapuys to Charles V., December 31, 1529.)
[2] Ibid., p. 351. (Chapuys to Charles V., December 6, 1529.)
[3] Ibid., p. 366. (From the same to the same.)
[4] Ibid., p. 734.

subjects. He frequently took her up to London with him for a short visit, while the Queen was left behind at Richmond, or elsewhere.[1] On one occasion Anne rode from Windsor behind him on a pillion, and some men who gave expression to the general feeling of disgust were committed to prison. And, as if to leave no doubt about his intentions, he gave a banquet at which she took precedence of his sister, the Queen-Dowager of France, and the two Duchesses of Norfolk, so that people said, nothing was now wanting except the priest to give the marriage ring and blessing.

In the Parliament which met in November 1529, the first direct blow was struck at the Church's authority. Wolsey, as an archbishop and a prince of the Church, was amenable only to the Pope, and as a priest, the law of England subjected him only to ecclesiastical jurisdiction. Notwithstanding this, a bill of indictment against him was brought into Parliament, and though it fell through, a decided step had been made towards placing the Church under the State.

Bills, too, were brought into the Commons encroaching upon ecclesiastical matters, on pretence of reforming clerical abuses, such as the management of ecclesiastical courts, fees for probates, mortuaries, plurality of benefices, farming Church lands, non-

[1] Gayangos, *Spanish State Papers*, iv., part 1, p. 446.

residence, and the like. These had been hitherto looked on as "things which might in no case be touched" by laymen, "nor yet talked of by no man, except he would be made a heretic, or lose all that he had."[1] The bills were probably suggested by the Council, but in any case they could not have been introduced without the King's consent.

In the course of the discussion on them in the House of Lords, an opportunity offered for mortifying Bishop Fisher, and this was eagerly seized upon by the King, who hated him for his adherence to the Queen. Bishop Fisher said, "You see, my Lords, daily what bills come hither from the Commons' House, and all to the destruction of the Church. For God's sake see what a realm the kingdom of Bohemia was, and when the Church went down then fell the glory of the kingdom. Now with the Commons is nothing but 'Down with the Church.' And all this mescemeth is for lack of faith only." Hereupon the Commons sent their speaker, Sir Thomas Audeley, and thirty members to complain to the King, that the Bishop of Rochester had said, "They were no better than infidels, and no Christians—as ill as Turks and Saracens." The King summoned the Archbishop of Canterbury, Fisher, and six other bishops, and told them the complaint of the Commons. But

[1] Hall *apud* Brewer, *Calendar*, iv. p. 2693.

Fisher excused himself, saying, he "meant only the doings of the Bohemians were for lack of faith, and not the doings of the House of Commons." This apology the King sent down to the House of Commons by Sir William Fitzwilliam, the Treasurer.[1]

Before this Parliament adjourned it proved how closely the liberties of the Church and those of the laity are linked together. Its predecessor seven years before had refused a grant, and the King had been consequently obliged to borrow from his subjects large sums secured on bonds, which passed from hand to hand, as bank notes now do, with the same confidence as their equivalent in gold. The King was now as usual in want of money; but the Parliament being indisposed to vote fresh supplies, made amends by dealing liberally with other men's money, and released the King from the obligation of repaying the above loans. In the Lords, little remark was made on the bill. In the Commons it was obstinately contested, and was passed only by means of the votes of the large number of members who held offices under the King or his ministers. But by the nation it was loudly condemned.

It happened that in November 1529 the Pope and the Emperor met at Bologne. For four months

[1] Hall *apud* Brewer, *ut sup.*, p. 2690, *note*.

they lived under the same roof, and a door communicating between their apartments allowed them to have the most intimate and confidential communications.[1] Henry seized this opportunity to send a special embassy to the Emperor to induce him to consent to the divorce. In the preceding year the Pope had feared that the Emperor might agree to a similar proposal in order to detach Henry from his alliance with France,[2] and he had thought it prudent to tell the Spanish ambassador, that even were they to consent to the divorce, he would never authorise it.[3] But this seems to have been no obstacle to Henry, who no doubt believed that conjointly they could force the Pope to bend to their will. His instructions to his ambassadors show how completely he was dominated by this idea. After stating the arguments laid before the legates, the royal agents were to tell the Emperor that the King, resting his cause on the express words of God, that his marriage was contrary to the Divine commands, and considering that the Scripture says, "Ubi Spiritus Domini, ibi libertas," had resolved no longer to transgress his Master's law for the sake of a servant, or through the fear of man, but to

[1] Rawdon Brown, *Venetian State Papers*, iv. pp. 234–236. (Contarini to the Signory, November 5, 1529.)

[2] Ibid., p. 181. (Same to same, December 29, 1528.)

[3] Gayangos, *Spanish State Papers*, iii., part 2, p. 974. (Report of Mai's proceedings in Rome, April 1529.)

conform himself to the words of Our Saviour, "Fear not," &c.[1]

The English ambassadors were graciously received, and the negotiations on general subjects were easily concluded. But when the Earl of Wiltshire, Anne Boleyn's father, who was at the head of the special embassy to treat about the divorce, began to speak, the Emperor exclaimed indignantly, "Stop, sir, you are a party to the cause." The Earl was not a little confounded by this rebuke, but quickly recovering himself he answered: "I speak not as a father, but as a subject and a servant at my master's bidding." He then stated the case from Henry's point of view, and proposed that it should be laid before an assembly of prelates and doctors, asking the Emperor to promise that he would accept their opinion if it were favourable to the King, but at the same time refusing to bind Henry by a similar promise should the decision be against the divorce. The Emperor, however, would not hear of the cause being tried except before the Pope's tribunal, and declared that he would support the Pope's decision whatever it might be. The Earl even ventured to offer the Emperor 300,000 crowns, the restitution of Katherine's dowry, and a suitable

[1] Brewer, *Calendar*, iv. pp. 2726–2729. (Instructions for the embassy to Charles V., December 1529.)

maintenance for her, if he would consent to the divorce. But the Emperor answered haughtily that he was not a merchant to sell his aunt's honour. Finally, the Earl intimated that his master had done enough in informing the Emperor of his scruples and remorse of conscience, and though he would have been glad of his acquiescence, his displeasure would not prevent his carrying out his intentions.[1]

Henry's next attempt was to get an opinion from the Universities, and from various learned men, in opposition to the Pope. This proved a signal failure, even in his own kingdom, and he had to resort to violence and bribes to hide his defeat.

In February 1530, when Gardiner and Fox at Cambridge requested the opinion of the University on the question whether marriage with a deceased brother's wife was forbidden by divine and natural law, an answer was twice given against the King's contention. Their proposal to refer the matter to a packed committee was also twice negatived, and it was only by inducing some of their opponents to absent themselves that the resolution required was carried when put for the third time to the vote. But even then only an opinion, conditional on the first marriage having been consummated, which in the case could not be proved, was obtained.

[1] Brewer, *Calendar*, iv. pp. 2824–2826.

Henry was displeased because no effort was made to get an answer to his other question, "Has the Pope power to dispense with such a marriage?" but the Vice-Chancellor declared a negative answer could not possibly have been obtained.[1]

At Oxford, the opposition was even stronger and more obstinate. Archbishop Warham had recourse to threats and promises, and even declared that the University of Paris had decided in the King's favour, which was false. The King, too, wrote a letter full of strong reproaches, and these from him were the same as threats. But all was for a long time in vain. At last, by excluding a great majority of the Masters of Arts, Fox succeeded in getting the question referred to a packed committee. Even then, only thirty-three signatures could be got to the same conditional answer as at Cambridge. And their opponents insisted that, as it had not been passed in convocation, it should not be registered nor sealed, and the seal could only be got clandestinely.[2] A report of the bribes and threats that had been used at the Universities reached the Pope, and he ordered his nuncios to inquire into the facts.

Henry thought to retrieve by the fourteen Univer-

[1] Brewer, *Calendar*, iv. p. 2807. (Gardiner to Henry VIII., February 1530.) Cf. also p. 2816. (Cambridge, March 9, 1530.)

[2] Ibid., pp. 2832, 2834, 3186. Cf. Wood, *History and Antiquities of Oxford*, p. 256.

sities of France this defeat at home. Great then was his disappointment, when the most influential of them, that of Paris, passed a decree against the divorce by a large majority,[1] and when King Francis refused to interfere, not wishing to provoke the Emperor till he should have paid the ransom of two million crowns for his sons, who were then his hostages in Spain. Upon this, Henry eagerly lent him four hundred thousand crowns, postponed indefinitely the payment of his own pension of five hundred thousand crowns, and made over to him a celebrated jewel, known as the Lily of Diamonds, which the Emperor Maximilian had pawned to Henry VII. for 50,000 crowns.[2] In return, Francis gave the wished-for support. But neither by threats nor violence could he get from the University of Paris a favourable decree, and an informal opinion, without the seal of the University, was substituted for it. But even with this spurious decree Henry was so overjoyed that he had it published by a crier in the streets of London.[3] From the Universities of Orleans and Toulouse, the theologians of Bourges, and the civilians of Angers, similar opinions were obtained, but the theologians of Angers pronounced

[1] Brewer, *Calendar*, iv. p. 2757. (Du Bellay to Montmorency, January 27, 1530.) Cf. p. 2780. (Chapuys to Charles V., February 6, 1530.)

[2] Ibid., p. 2798. (Henry to Charles V., February 19, 1530.)

[3] Ibid., p. 2971. (Niño to Charles V., August 26, 1530.)

in favour of Katherine's marriage,[1] as did also, unasked, the University of Poitiers.[2] The other Universities were either not consulted, or their answers were suppressed as being in favour of the marriage.[3]

In the Italian Universities and cities, Henry ordered that bribes should be liberally given.[4] He was obeyed, but with very questionable results. An opinion signed by one Carmelite friar, and approved by four others, was palmed off as the favourable judgment of the University of Bologna.[5] Another, signed by some theologians of Ferrara, was fought for by the opposing parties, and at length, being carried off by Henry's friends, was sent to England as the undoubted opinion of the University of Ferrara, though the civilians and canonists, even when offered a bribe of a hundred and fifty crowns, refused to give any judgment unless requested by both the King and the Queen. All the doctors of Padua were well paid, and a hundred crowns were given for the seal of the University. Croke sent at one time a hundred and ten favourable opinions to England, but he said they were as nothing to

[1] Brewer, *Calendar*, iv. p. 2860.

[2] Ibid., p. 2971.

[3] Le Grand, *Histoire du Divorce*, iii. pp. 428–507, gives the various letters.

[4] Brewer, *Calendar*, iv. p. 2851.

[5] Rymer, *Fœdera*, xiv. pp. 393, 395, 396.

what he might have had, had he had more money.[1]

In Germany, Henry utterly failed. Not only did the Catholic Universities hold aloof, but the Lutherans of both Germany and Italy condemned the divorce,[2] though Luther and Melanchthon would have allowed him to take a second wife after the custom of the patriarchs.[3]

Henry had originally intended to lay the opinions of the Universities before the Pope as the voice of united Christendom in favour of the divorce.[4] But as the Pope had protested that Universities and individuals, however learned, could not prescribe the law to him, nor define the extent of his authority, and had remarked severely on the way in which these opinions had been got,[5] the English king did not persist in this intention, but adopted another plan of a more defiant character.

[1] Pocock, *Records*, i. pp. 294–314, 319–332, 400–427. See Croke's letter in Burnet, *History of the Reformation*, iv. p. 135. Cardinal Pole (*De Ecclesiæ Unit. Defens.*, iii. c. 3) bewails this expenditure of large sums by Henry to brand himself with shame. Cf. Sanders (ed. Lewis), p. 81.

[2] Burnet, *History of the Reformation* (ed. Pocock), iv. p. 145.

[3] Lutheri, *Epistolæ* (ed. 1717), p. 290, *apud* Lingard (3rd edition), vi. p. 226. Melanchthon was of the same opinion. (*Epist. ad Camerar.*, 90.)

[4] Le Grand, *Histoire du Divorce*, iii. p. 443. (De Vaux to the Grand Master; London, February 15, 1530.)

[5] Brewer, *Calendar*, iv. p. 2888. (The Bishop of Worcester to Stokesley, June 4, 1530.)

On the 12th of June 1530 certain high officials, who were known to be favourable to the divorce, were summoned to court, and it was proposed to them that an address from the two Houses of Parliament in the name of the nation should be sent to his Holiness, praying him, in conformity with the opinion of the most famous Universities and learned men in Christendom, to declare that King Henry's marriage with Katherine had been illegal and invalid, and intimating that if the Pope refused to do so the English king and his subjects would seek some other means of redress. But, notwithstanding the one-sided character of the assembly, the proposal was rejected. One nobleman even threw himself on his knees and most earnestly besought Henry not to attempt to contract another marriage, as the nation would certainly rebel. A petition, however, to the above purport was drawn up in the most insolent terms, and commissioners were sent to each of the members of both Houses of Parliament, to obtain the required signatures, it being evident that, when each person was taken singly, few would venture to stand alone against the King's will.[1] Even then the signatures were comparatively few, for though the petition was signed by the two archbishops and forty-two nobles,

[1] Gayangos, *Spanish State Papers*, iv., part 1, p. 616. (Chapuys to Charles V., June 29, 1530.)

only four of the bishops and a small number of abbots and commoners, most of the latter being the King's servants, signed it. The names of the most distinguished men in the kingdom, such as More and Fisher, and the majority of the bishops, clergy, and gentry were absent. This petition, got up thus clandestinely and signed under compulsion, was sent by the King to the Pope as expressing the feelings of the nation in Parliament. It was signed on July 13, 1530.[1]

In September the Pope returned an answer in dignified but fatherly terms, pointing out that he had favoured the King so much that he had exposed himself to the charge of partiality from the opposite side, that the delays in carrying on the suit were caused by the King alone, and that the opinions of the Universities and learned men to which they referred had not been laid before him, while the few opinions he had happened to see were not fortified by any reasons and authority which might help to form his judgment on the cause in question. He added that their threat to take the matter into their own hands was unworthy of them, and that he did not believe it was sanctioned by the King.[2]

Though Henry delayed the suit at Rome, he con-

[1] Pocock, *Records*, i. p. 429. The Parliament's letter to the Pope.
[2] Ibid., p. 434. Pope Clement to the Parliament, September 27, 1530.)

tinued to make demands on the Pope, so one-sided and preposterous, that they could not possibly be granted. At one time he insisted that the Pope should dissolve the marriage without any legal process,[1] or at least promise not to proceed against him if he contracted another marriage.[2] At other times he proposed that the case should be judged by the Archbishop of Canterbury and the English bishops; or at least that it should be tried in England; or before five judges, of whom two were to be chosen by him, two by the Queen, and the fifth was to be the King of France; or, in some other way, which would secure a sentence in his favour.[3] He ordered his ambassadors to appeal to a General Council, but they did not venture to do so, because Popes Pius II. and Julius II. had forbidden such appeals under pain of excommunication.[4] Later on, he ordered them to plead the peculiar privilege of England that no one should be compelled to go to law out of the kingdom.[5] But they thought it more prudent not to do so, because the doctors whom they consulted, doubted its existence.[6] In October, how-

[1] Brewer, *Calendar*, iv. p. 3002. (Mai to Charles V., October 2, 1530.)

[2] Ibid., p. 3009. (Same to same, October 10, 1530.)

[3] Ibid., pp. 2981, 3012, 3021, 3022.

[4] Ibid., p. 3190. (The ambassadors in Rome to Henry VIII., September 1530.)

[5] Ibid., p. 3004. (Henry to Benet, &c., October 7, 1530.)

[6] Ibid., p. 3190.

ever, Dr. Benet mentioned it to the Pope. Whereupon his Holiness answered, that if he would allege this in court, he should have as much as the law allowed. A few days later Benet returned to the subject, and pressed the King's argument, that his claim could not be called in question any more than the Bishop of Rome's claim to have jurisdiction over other churches. To this the Pope replied, he could prove his jurisdiction better than the King could his custom.[1]

Another demand was brought before the Pope in an irregular way. It will be remembered that in November 1528 Brian and Vannes were instructed to ask leave for the King to have two wives.[2] The question does not seem to have been raised at that time. But in 1530 the subject appears to have been discussed in Rome, probably in consequence of the suggestion of the German divines. The Pope, therefore, thought it prudent to anticipate by his refusal a demand which he could not possibly grant, and he mentioned the proposal to Gregory Casale and Dr. Benet separately.[3] Neither of them was aware that the proposal had originated with Henry

[1] Pocock, *Records*, i. p. 448, *seqq.* (Benet to Henry VIII., October 27, 1530.)

[2] Ibid., p. 189. (Instructions to Brian and Vannes, December 1528.)

[3] Ibid., p. 428. (Gregory Casale to Henry VIII., September 18, 1530.) Cf. p. 458.

and Wolsey, and they were at a loss how to answer. Casale thought it came from the Imperialists and declined to write to the King, though he at once did so privately. Benet thought the Pope suggested it in order either to excite the King's hopes and make him defer the cause, or if the King accepted the proposal, to be able to prove to him that if he could dispense in this case he could do so with more reason in the other. But it never crossed his mind that his Holiness seriously entertained such an idea. He asked the Pope whether he thought he could dispense in such a case. The Pope answered that he did not think he could, though a certain divine thought he might. But a few days later he told Benet he had consulted his Council, and they declared plainly he could not do such a thing.

All Henry's demands were supported by the French ambassador, Cardinal Grammont, Bishop of Tarbes, who threatened that his master would join Henry in throwing off the authority of the Church.[1] But the Pope always repeated that he would do nothing contrary to law, whether for Henry, the French King, or the Emperor, especially as this question concerned a sacrament of the Church;[2] that he would not remove the cause from Rome without the Queen's consent, and that whatsoever

[1] Pocock, *Records*, i. p. 449.
[2] Ibid., p. 454. (Benet to Henry VIII., October 27, 1530.)

either party might do against him, he would commit himself to God, who would be his helper.[1] Or if sore pressed he would answer, that if the world fell to ruins he would rather it did so because he did his duty than because he failed to do it.[2] So immovable was he that Benet was obliged to write to the King, that nothing could be got from him by persuasion, that threats did not make him afraid, and that he himself was convinced that while, on the one side, the Pope would do nothing except by a regular suit according to law, on the other, he would do for his Majesty everything that was possible according to law.[3] This was what the Pope had always professed his intention to do, and it is a striking testimony to his integrity and firmness, that Henry's own ambassador should have arrived at the conviction that such would certainly be his Holiness's course of action.

[1] Pocock, *ut sup.*, p. 454. (Benet to Henry VIII., October 27, 1530.)
[2] Ibid., p. 457. (Same.)
[3] Ibid., p. 458. (Same.)

CHAPTER XVIII.

THE DECISION.

MONTH after month slipped away, and though Henry had not the courage to take a decisive step, he was evidently drifting closer and closer to the catastrophe. When September came, the suit was opened in the Rota. But Henry had not sent a proctor to answer for him, and the ambassadors begged for further delay. The Bishop of Tarbes advised the Pope to prorogue the suit for at least six months or a year, because, as it arose out of a love affair of the King which might pass away, while the Queen's cause was one of justice which would always continue, delay would be in her favour.[1] But the Pope's forbearance seemed to be exhausted. Henry's late attempt to force the opinion of the Universities on him, and the insolent tone of the so-called address from the two Houses of Parliament, almost forbade any hope of Henry's return to a better mind. His Holiness was therefore persuaded with difficulty to grant even a delay of only

[1] Brewer, *Calendar*, iv. p. 3009. (Mai to Charles V., October 10, 1530.)

three weeks. Both the Bishop and Benet wrote to Henry warning him that though the Pope did all he could to favour him, yet he would soon be compelled to issue a bull forbidding all archbishops, bishops, and tribunals of any kind to give judgment in the cause.[1]

It was now noticed at court that Henry became very sad and thoughtful. He told his confidants that he had been grossly deceived. He had asked for the divorce only because he had been persuaded the Pope would make no difficulty about it, and could he have anticipated the opposition he had met with, he would never have sought it. Even now he would abandon it for ever.[2] When this resolution was whispered in court, his best friends rejoiced, and the Boleyn party was filled with dismay. An unexpected ally, however, came to their aid. Cromwell had the acuteness to perceive that Henry's resolution sprang not from repentance for the past, but from the weariness and impatience of an imperious temper confronted by an insurmountable obstacle. He saw in this state of Henry's mind the opportunity for making his own fortune, and he boldly seized it.

[1] Brewer, *Calendar*, iv. p. 3022. (Benet to Henry VIII., October 27, 1530.)

[2] Pole, *Apologia ad Carolum V.*, p. 127. *apud* Lingard, *History* (3rd ed.), vi. p. 231. Pole had this account from one to whom the King disclosed his sentiments. *Mihi referebat qui audivit.*

As soon as possible he obtained an audience of the King, and after apologising for meddling in his sovereign's affairs, opened the purpose of his visit. He said that his love and fidelity obliged him to try to relieve the evident depression of his master's spirits, by showing him how, without any loss of honour, but rather with an increase of both honour and power, he could do what he wished in the present matter, and indeed, in all others. He then went on to explain that ignorant or self-interested persons had hitherto held him, and his predecessors, in subjection, by pretending that there were in the natural law immutable rules of right and wrong, by which princes as well as their subjects were bound. It was, however, evident that such immutable laws had no existence in nature, since the standard of virtue differed in different nations and at different times; and therefore, it was obviously the prerogative of a sovereign, who had no superior except God, to bind his subjects at his own will, by laws which obviously need not bind himself. In the present matter, however, the King would have no need to depart from the ordinary standard of virtue, held by all men in all places, because his own wish was in accordance with God's law and the opinion of all the Universities and learned men, which condemned his marriage with his brother's wife. If the consent of the Roman Pontiff to this teaching could

be obtained, it would, of course, remove all opposition on the part of the Emperor. But should the Pope persist in his obstinacy, and refuse his sanction, there was no reason why the King should not embrace the present opportunity to free himself and his kingdom from the yoke which the Pope pretended to lay on the necks of kings. The German princes had thrown off this yoke, and had thereby gained strength. Why then should the King hesitate to follow their example? A kingdom with two heads was like a monster. It was a fiction invented by priests to free themselves from the royal jurisdiction. Let him, therefore, reclaim the rights of which they had so cunningly robbed him, and which he could not give up to a foreign prince without injury to his kingdom. Let him declare himself not only Head of the Church, but sole Head in his kingdom. And then, not only would his royal authority be extended and strengthened, but all ecclesiastical power, all the bishoprics, the monasteries, and the whole patrimony of the Church would be at his disposal, and he would far surpass all his predecessors in wealth and power. Former English kings had been too much occupied with foreign foes to turn their attention to the enemies at home who were robbing them of half their kingdom. But God had given to Henry peace abroad, evidently in order to afford him the opportunity of recovering

his rights at home, thereby opening to him the way for the gratification not only of his love, but of all his other wishes, with an increase of power and wealth. The consent of his Council could be easily obtained by a clever minister. And when the title of sole Head of the Church had been given him, with the consent of his subjects, what punishment would be too severe for those who should, either by word or writing, resist his claim to the title, and rob him, so to say, of half his kingdom, by depreciating his authority in favour of that of a foreign prince and pontiff?

Cromwell's counsels were like music in Henry's ears. The three-fold promise of indulgence for his three master passions, sensuality, avarice and love of power, lighted a flame in the depth of his heart, and before the bold simplicity of the plan submitted to him, Henry's scruples vanished. There was no hesitation in accepting the bait which his servant so cunningly offered him. Thanking Cromwell, and embracing him, he at once made him his chief adviser and minister, and ranked him amongst his intimate friends.[1] For the next ten years Cromwell took the place that Wolsey had formerly held, and every measure of state was compassed by his aid. It needs but a glance from the administration of the

[1] Pole, *Apologia ad Carolum V.*, pp. 118–125. Pole states that his informant was Cromwell himself.

great cardinal to that of his successor to see how low Henry had fallen. Wolsey had raised the King and the kingdom from comparative feebleness to a position of power and honour among European States, but with the ascendency of Cromwell began that decadence into the tyranny, shame and misery, which are the characteristics of the second half of Henry's reign.

Immediately after this interview with the King, Cromwell wrote to Wolsey the letter already mentioned, in which he told him, that the prelates would not appear in the *præmunire*, for there was "another way devised in place thereof, as he would further know."[1]

In August 1530, Henry had written to the Pope in very strong terms, accusing him of acting "inconstantly and deceivably," and "lending himself to the temerity and ignorance of his counsellors." He apologised for the plainness of his language, declaring that he did not intend to impugn his authority but rather to confirm it.[2] But now, in December, he again wrote to him a letter in which breathed the new spirit that animated him. Violent and presumptuous as had been his former letters, they were respectful in comparison with this

[1] Brewer, *Calendar*, iv. p. 3019. (Cromwell to Wolsey, October 21, 1530.)

[2] Ibid., p. 3188. (Henry VIII. to Clement VII., September 1530.)

missive. It was not a petition, but an imperious command to the Pope to abstain from interfering with the King's rights if he wished his own to be respected, and an open declaration, that as he, the King, sought only what was his own according to the laws of the Church and of England, he would not suffer the contrary, and as he himself abhorred contention, he would not brook denial.[1]

Thus closed the year 1530. With it ended that liberty which had always been the inheritance of Englishmen, and which had been moulded under the fostering care of the Church into a free constitution. In its place was established a cruel despotism, under which the nation groaned for above one hundred and fifty years, and which was at last thrown off only through civil war and revolution.

The object of Henry's contention with the Pope was now totally changed. Hitherto he had sought only a divorce from the wife whom he had ceased to love, and liberty to marry any one who seemed likely to give him a male heir. Though the Pope could not gratify his desires, yet Katherine's death might give him all that he wanted and restore him to his former position as the most devoted son of the Church. But henceforth the divorce question now

[1] Brewer, *Calendar*, iv. p. 3056. (Henry VIII. to Clement VII., December 6, 1530.)

gave place to the project of establishing his own independence of the Pope as sole Head of the Church within his own dominions, and nothing short of the Pope's abdication of his supremacy, and the rights of St. Peter's Chair, could now have satisfied Henry.

CHAPTER XIX.

THE NEW DESPOTISM.

THE new despotism was fitly inaugurated by the foundation of a Church based on the personal rule of an absolute monarch.

Wolsey's conviction at law, for having infringed the Statute of Provisors, had involved in his *præmunire* all, whether clergy or laity, who had in any way acknowledged his office as legate.[1] All the bishops had consequently been indicted.[2] When the Convocation of Canterbury met in January 1531, its first business was to obtain pardon from the King. As the clergy had acted with the King's leave, and they believed the charge against Wolsey to have been merely personal, they offered only 160,000 ducats for their pardon. But the King refused to accept less than 400,000 ducats, and even this sum only on condition that in the preamble of the bill, clauses acknowledging him as sole Supreme Head of the Church and Clergy of England, and giving him absolute spiritual jurisdiction

[1] Brewer, *Calendar*, iv. p. 2704.
[2] Ibid., p. 2915. (Controlment Roll Trin., 1530.)

and legislative power, should be inserted. For three days the clergy struggled against a demand which cut them off from Catholic unity.[1] But the only concession they could obtain was the insertion of the words, "after God"; the King at the same time intimating that he would permit no further discussion. It was, however, secretly conveyed to Bishop Fisher, that the words "as far as the law of Christ allows," would be permitted, and as they would remove all scruples of conscience, the simple peace-loving bishop was easily caught in the snare. His opinion had such weight with his fellow-bishops that no further difficulty was made, and on the 11th February, the title, "Supreme Head so far as the law of Christ allows," was given to Henry by the unanimous tacit consent of all the bishops. The further concession of spiritual jurisdiction and legislative Power was evaded by a slight verbal alteration and some complimentary phrases. On the 22nd March the bill formally passed Convocation.

On the 4th of May the Convocation of York granted the King £18,840 in the same terms as that of Canterbury had done. But Tunstall, Bishop of Durham, entered a protest against the title, "Supreme Head," saying that it ought only to be "in *temporals* after Christ," for if it was meant that the King was head in spirituals as well as

[1] On all this question see the Preface.

temporals, that was contrary to the doctrine of the Catholic Church, whereas if it meant that the King was head in temporals only, why was it not explicitly so declared?[1]

Henry was angry at Tunstall's protest, and the more so because hitherto the bishop had been one of his greatest friends. But he exercised, however, unusual self-control, and wrote in answer that he could not be offended with him because he had interlaced his opinion with such words of submission. He retorted on Tunstall the advice given to himself in this great matter to conform his conscience to the conscience and opinion of the greater number, and suggested he should do the same in the present case, and follow the opinion of the Convocation of Canterbury, in which were so many notable great clerks. He added, that he was willing to examine the grounds on which the case rested, and in answering the Bishop's objection he explained in detail what were the respective limits of the spiritual and temporal authority. He allowed that the clergy alone had power over spiritual things. But these he limited to the ministration of the sacraments, preaching, and the grace which God imparts through these means. Everything else, such as the persons, goods, and acts of the clergy, supervision of their lives and of the exercise of their

[1] Wilkins, *Concilia*, iii. p. 745.

spiritual functions, authority to teach and minister the sacraments, election to bishoprics and abbeys, and ecclesiastical legislation belonged to their human life, and consequently were temporal things, and subject to his temporal power.[1]

The fact that Fisher was the proposer of the form in which the title of Supreme Head was granted, is a sufficient guarantee that the clergy were perfectly loyal to the Pope. But in order to prevent any misunderstanding, which seems already to have arisen, the bishops explained in Parliament, before the Act was formally passed, the meaning they attached to the title.[2] And in the following May, the Convocations of both provinces sent Henry a declaration in strong and explicit terms, that they did not intend thereby to detract in any way from the authority of the Apostolic See.[3] Warham also entered a formal protest on February 24, 1531,

[1] Wilkins, *Concilia*, iii. p. 762.

[2] Gairdner, *Calendar*, v. p. 61. (Chapuys to Charles V., March 8, 1531.) "The clergy are more conscious every day of the great error they committed in acknowledging the King as sovereign of the Church, and they are urgent in Parliament to retract it."

On the death of the Rev. J. S. Brewer, the work of superintending the publication of the State papers of the reign of Henry VIII. was taken up by the present editor, Mr. James Gairdner.

[3] Ibid., p. 114. (Chapuys to Charles V., May 22, 1531.) "Four days ago, the clergy of York and Durham sent to the King a strong protestation against the supremacy which he pretends to have over them. The province of Canterbury has done the same, of which I send you a copy." Cf. p. 764 for the declaration.

against all enactments made in this Parliament in derogation of the Pope's authority, or the prerogatives of his province.[1]

It was, however, evident that the limitation, "so far as the law of Christ allows," was practically valueless, for no one would be so bold as to contest its meaning with his lord, much less such a lord as Henry.[2] So far, apparently, Henry's only object was to intimidate the Pope. When the Nuncio, for example, spoke to him about the new Papacy created in England, he answered that "it was nothing, and was not intended to infringe on the authority of the Pope, provided his Holiness would pay due regard to him. But otherwise he knew what to do."[3]

Hitherto Henry, in spite of his arrogance and threats, had professed obedience to the Pope's authority. Henceforth he met each step taken by his Holiness in a spirit of defiance. On the 5th of January 1531, the Pope published inhibitions decreed in the Consistory of December, forbidding Henry's marriage, and the giving of any sentence of divorce by any ecclesiastical or secular dignitary or tribunal, while the cause was pending before

[1] Gairdner, *Calendar*, v. p. 386.

[2] Ibid., p. 47. (Chapuys to Charles V., February 14, 1531.) "No one will be so bold as to contest with his lord the importance of the reservation."

[3] Ibid., p. 51. (Same to same, February 21, 1531.)

him. He was led to do this by seeing a book printed in England, stating the opinions of the Universities and doctors that a marriage with a brother's widow was forbidden "*de jure divino*," and that the Pope might in no way dispense from it.[1]

Henry ordered his agents at Rome to urge the recall of these inhibitions. But they replied that the Pope would not hear of it; that they had never seen him so angry before, for he said, it was not for doctors or Universities to judge a cause which was before himself.[2] Whereupon Henry, as in defiance, ordered all the opinions to be read in the Houses of Lords and Commons, and the Commons were exhorted to return to their own houses and acquaint their neighbours with the justice of the King's cause.[3] But the Lords declined to give any opinion, and the Commons showed their displeasure and regret by absolute silence, so that instead of justifying his intentions with the people, it was thought they were less satisfied than ever.

Hitherto Henry had been pleased to have the hearing of the cause put off from time to time. But now he had made up his mind to take a more

[1] Gairdner, *Calendar*, v. p. 11. (Clement VII. to Henry VIII., January 5, 1531.)

[2] Ibid., p. 30. (Benet to Henry VIII., January 30, 1531.)

[3] Ibid., p. 84. (Chapuys to Charles V., April 2, 1531.)

independent line and refuse to plead at Rome, whether in person or by proxy. He continued, however, to seek delay, because on the one hand he still hoped to get a favourable sentence which would smooth matters with the Emperor, and on the other he feared that on his refusal to plead, he might either be declared contumacious, or proceedings in the Rota might at once be set on foot, and in either case sentence would be given against him. He therefore ordered his ambassadors in Rome to seize every opportunity and make the most of every pretext to delay matters, but to do so in their own names and not in his.[1] He also directed them to avoid any acknowledgment, tacit or express, direct or indirect, of the Pope's authority and jurisdiction which might bind him and hinder his future action in England. With this object he refused to give them any formal authority to act on his behalf, and forbade them to use the proxy they already had.[2] Further, they were to avoid making any request or positive assertion, lest hereafter their words might be used against him, and if at any time they were obliged to do so, they were to pretend they had no directions, and were only expressing their own private opinion.[3]

[1] Gairdner, *Calendar*, v. pp. 97, 146, 269, 372.

[2] Ibid., p. 97. (Henry VIII. to Benet, April 23, 1531.)

[3] *State Papers* (ed. 1849), p. 269. (Same to same, December 6, 1531.) Cf. pp. 273, 313.

These orders, the ambassadors carried out most skilfully.

When the process in the Rota was reopened in January 1531, Dr. Carne appeared as Henry's Excusator, pleading, not in his master's name but in his own, as an Englishman, that Henry could not be required to appear either in person or by proxy. The judges refused to admit him to plead without some authority from Henry.[1] This gave an opening for lengthened discussions and repeated references to Henry, for instructions, which were cleverly managed so as never to be quite definite or conclusive. In April, Henry ordered Benet to get the process put off till Michaelmas.[2] Then when the court was reopened after Michaelmas the ambassadors, instead of presenting a regular authority to act, delivered only a letter from Henry. This, moreover, was so insolent and so wanting in common courtesy, that it was not accepted.[3] Katherine's proctors urged that sentence should be pronounced immediately, and the Pope could only put them off by going into the country, and by excuses on the score of his health. He sent Benet

[1] Gairdner, *Calendar*, v. p. 68. (Mai to Archbishop of Santiago, Rome, March 21, 1531.)

[2] Ibid., p. 97. (Henry VIII. to Benet, April 23, 1531.)

[3] Ibid., p. 230. (Ortiz to Charles V., October 24, 1531.) Cf. also p. 240. (Same to the Empress, November 7, 1531.) The letter is printed in full in *State Papers* (ed. 1849), pp. 305, *seqq.*

over to England in great haste to tell Henry from him that he could not delay giving the sentence much longer. But Henry answered, that he did not care for the Pope's sentence. Whereupon Benet assured him that if it were once given, it would do him irreparable injury.

The nuncio, too, warned Henry that the Pope having delayed the sentence for three years, could not defer it much longer, and if he would not send a mandate to his ambassadors, his Holiness would be obliged to give sentence against him as a person who had nothing to allege on his own behalf. Henry answered that the Pope had no power to judge kings. To this the nuncio replied that as Vicar of Christ he had power to judge in such cases as this. Henry rejoined that he cared not for any such sentence. The nuncio represented that the Pope would excommunicate him and call in the help of the secular power. But Henry still persisted in saying that he cared nothing for all this.[1]

For the moment Henry's chief care was to make his new headship of the Church a practical reality, and to accustom his subjects to see him exercising the spiritual jurisdiction he had now claimed.

Hitherto cases of heresy had been judged exclusively by the clergy. But in March 1531 a

[1] Gairdner, *Calendar*, v. p. 352. (Paper by Dr. Ortiz, January 25, 1532.)

heretic, who had been taken before the Archbishop of Canterbury for preaching Lutheran doctrines, refused to answer to him, and demanded secular judges. The Duke of Norfolk, with the Earls of Oxford and Wiltshire, were accordingly sent to be present at his trial, but as they also detected heresy he appealed to the King as the archbishop's sovereign. He was therefore taken before the King, in whose presence he was accused by several bishops. But the King having noticed that one of the articles of heresy with which he was charged was, that the Pope was not head of the Christian Church, declared that this was not a heresy but an undoubted truth. After hearing what further he had to say for himself the King set him at liberty, on condition that he was to preach again and retract certain points which the King did not consider orthodox.[1]

Appeals to the King in religious matters now became common, and Henry prided himself on his zeal in repressing heresy by his royal exhortations and arguments, and by the punishments he inflicted. Augustine de Augustinis, Wolsey's Italian physician, told the Emperor in May 1531 that shortly before he left England the King had spent the whole day from 9 A.M. to 7 P.M. in examining a heretic.[2] But

[1] Gairdner, *Calendar*, v. p. 69. (Chapuys to Charles V., March 22, 1531.)

[2] Ibid., p. 132.

notwithstanding this zeal for orthodoxy, any opinion in support of the royal divorce condoned a large admixture of heresy. Thus Robert Barnes, an Austin friar, who had thrown off his habit and gone abroad, where he had associated with Luther and other heretics, having expressed an opinion in favour of the divorce, was earnestly solicited by the King to return to England, where, though he wore a secular habit, he lived unmolested for many years.[1] At last, however, when the divorce question had been settled, he suffered at the stake. The Pope, of course, complained of this usurpation of a spiritual office. But his complaints were not heeded.[2]

Gradually Henry went on to direct the administration of the sacraments. In the following year Latimer, afterwards Protestant bishop of Worcester, having been excommunicated by Convocation twice within a few weeks, appealed to the King. Henry examined him, found him guilty of heresy, and ordered him to confess his guilt, and promise amendment, and on his obeying, he specially directed the archbishop to absolve him.[3]

Henry also took on himself to instruct preachers as to the doctrine they were to teach. It happened

[1] Gairdner, *Calendar*, v. p. 273.
[2] Ibid., p. 494. (Benet to Henry VIII., June 15, 1531.)
[3] Wilkins, *Concilia*, iii. pp. 747, 748.

one day in April 1531 a preacher in his presence referred to the story of Constantine refusing to judge a dispute between two bishops, because it did not belong to a secular prince to judge spiritual persons. Upon this, Henry opened the window of his oratory, and ordered the preacher in a loud voice not to tell such falsehoods. The speaker answered respectfully, he did not think he was telling falsehoods in relating what he could prove from several histories. The King, however, losing all patience, turned his back, and angrily left the church.[1] A general order having been issued for preachers to support the divorce, one who ventured to disobey was arrested and brought before the Council. But on being examined, he answered boldly that he was moved to do so by the truth, the service of God, and the honour of the King.[2] On the other hand, a preacher was allowed to declare with impunity that the Pope was a heretic.[3]

Even the religious orders were not exempted from Henry's new jurisdiction. It was usual for those orders whose superior lived abroad, to be visited from time to time by an abbot, deputed by their General Chapters. In July 1531 the

[1] Gairdner, *Calendar*, v. p. 101. (Chapuys to Charles V., April 29, 1531.)

[2] Ibid., p. 413. (Same to same, March 20, 1532.)

[3] Ibid., p. 466. (Same to same, May 13, 1532.)

Abbot of Chailly came at the request of the English Abbots and the Chapter-General of the Cistercian Order, to visit their houses in England. But in spite of the solicitations of the English monks, supported by many excellent reasons, Henry peremptorily refused to allow anybody except himself to meddle in the affairs of the kingdom, in which, he said, he was King and Emperor as well as Pope.[1]

The usurpation of spiritual functions was greatly and significantly aggravated by the violation of the personal dignity of the clergy to which Henry proceeded. As the clergy were forbidden by the laws of the Church to shed blood, any person in Holy Orders who had committed a crime by which he had incurred the penalty of death, was given over to the secular power for execution. But if the criminal was a priest, it was customary, out of reverence to his priestly office, to degrade him previously. With the view, however, of lowering the reverence with which the clergy were regarded, Henry took on himself to put priests to death, without any such degradation, and apparently without over scrupulousness as to the justice of his sentences. In June 1531 he caused a priest to be hanged without degradation on the charge of

[1] Gairdner, *Calendar*, v. p. 168. (Chapuys to Charles V., July 31, 1531.)

clipping coin.[1] In the July of the following year, a young priest of honest and virtuous life was hanged undegraded, on a similar charge, in spite of the protest of his bishop and the intercession of Lord Wiltshire. But at the very same time a French innkeeper was pardoned for a similar offence.[2]

Books embodying Wyclif's opinions on Church government, attacking the Pope's authority, or giving the opinions of Universities and doctors in condemnation of various Popes, were circulated by the King's orders in England and abroad.[3]

One of these books fell into the hand of Tunstall, Bishop of Durham, apparently in the latter part of this year.[4] He concluded that a separation of the Church of England from the see of Rome was contemplated, and he wrote to the King, earnestly entreating him to consider the consequences of schism. In answer, the King thanked him for his warning, for he thought no man under such great obligations to him as Tunstall could intend evil against him. He then went on to defend his position by arguments which overthrew all notion

[1] Rawdon Brown, *Venetian State Papers*, iv. p. 284. (Edward Wotton to Reginald Pole, London, July 31, 1531.)

[2] Ibid., p. 342. (Letter from London to the Signory, July 10, 1532.) Cf. Gairdner, *Calendar*, v. p. 514. (Chapuys to Granville, July 11, 1532.)

[3] Gairdner, *Calendar*, v. pp. 83, 134, 177, 189.

[4] The letter is not dated.

of a visible, infallible, and everlasting Church, or even of a united Christendom. He denied not only the supremacy of the Pope, but also the subordination of any one church to another, and even the authority of general councils. Like Wyclif, he acknowledged no authority except that of Scripture, as interpreted by particular churches, and consequently, of course, by particular individuals. Like Wyclif, too, he made obedience depend, not on the authority given by God through the grace of His sacraments, but on the spiritual state of individual rulers. Hence he argued that it was not schism to separate from obedience to Rome, considering what it was, and how opposite were the lives of Christ and of the Popes. The Pope, he declared, had already separated from the most part of Christendom, but he himself would never separate from the universal body of Christian men—a body, the existence and limits of which, according to his principles, it would be impossible to prove or define.[1]

[1] Gairdner, *Calendar*, v. p. 387. (Henry VIII. to Tunstall (?).)

CHAPTER XX.

SEPARATION FROM KATHERINE.

As Henry was not yet prepared to come to an open rupture with the Pope and the Emperor, he refrained from making any change in his treatment of Katherine. She therefore kept her place at court up to the middle of July 1531, and followed Henry in his movements from one palace to another. They dined together on festivals as was customary, and he treated her in public with perfect courtesy and respect, while her unfailing sweet smile and unfailing patience were commented on as quite supernatural.[1]

She was obliged, however, to submit to the presence of Anne, and was subject to constant petty annoyances from her.[2] The young Duchess of Norfolk, who often sent her presents and secretly conveyed letters to her, the young Marchioness of Dorset, and other ladies, in whose society she found comfort and consolation, were sent away from court

[1] Rawdon Brown, *Venetian State Papers*, iv. pp. 245, 246, 287, 371

[2] Brewer, *Calendar*, iv. pp. 3023, 3878.

at Anne's request.[1] A stop was also put to the visits of the gentlemen who were in the habit of calling and telling the Queen what was going on, while at the same time women, who acted as spies and reported everything she said or did, were placed about her.[2] But Katherine, with her usual dignity, passed over these insults unnoticed.

Henry, however, was not equally patient, and daily his imperious temper fretted more and more against the irksome restraints that these relations implied.

At the same time Anne lost no opportunity of irritating him, sometimes giving way to her temper in abusive language, and at others loading him with reproaches for her lost time and honour. Thus, his position became almost unendurable, and at last he resolved to take some decided step to release himself.

In the beginning of April 1531, when Katherine was with him at Greenwich, and the Princess Mary had been left behind at Richmond, he happened to be in an unusually good humour, praised the Emperor highly, expressed great affection for Mary, who had a slight attack of illness, and reproached

[1] Gairdner, *Calendar*, v. p. 110. (Chapuys to Charles V., May 14, 1531.) Cf. Gayangos, *Spanish State Papers*, iv., part 1, pp. 600, 818.

[2] Gayangos, *ut sup.*, p. 710. (Chapuys to Charles V., September 5, 1530.)

Katherine for not always keeping a physician with her. Anne, who hated Mary even more than she did Katherine, because the King was fond of her, was very angry at his praising her, and consequently the next day when Katherine, encouraged by his former kindness, asked him to grant Mary's request to pay them a visit, he rebuffed her rudely and told her that "she might go and see the Princess if she wished, and also stop there." But Katherine only answered quietly, that "she would not leave him for her daughter or any one else in the world."[1]

At this moment Henry was in some trouble and perplexity, because he had found out that Francis was secretly negotiating a marriage between his second son and the Pope's niece, and feared that he would thus be deserted by his great ally. Accordingly, in the beginning of June, when the nuncio called on him by the Pope's order to ask him to join in a crusade against the Turks, he gladly seized the opportunity to pour out his complaints against his Holiness. After bidding the Pope ask help of those whom he had obliged, for he must never expect it from him whose requests he had never granted, he went on to declare that he would never on any account consent to his cause being judged by his Holiness. Then his temper rising

[1] Gairdner, *Calendar*, v. pp. 85, 101, 110. (Chapuys to Charles V.)

as he spoke, he went so far as to say that the Pope could only excommunicate him, for which he did not care three straws. He added that when the Pope had done what he liked at Rome, he would do what he liked in England, and that, if the Pope did him any injustice, he would be revenged, and, with the help of the King of France, would march to Rome. But at last checking himself, he added that "the Pope himself was not a bad fellow, but he did nothing except at the Emperor's will," and as the nuncio seemed "a respectable man and inclined to be civil," he would give him a book, which would make him clearly understand the justice of his cause.[1] This book was no doubt one of those which contained the opinions of the Universities setting aside the Pope's authority, but without alleging any reasons for so doing.[2]

After the nuncio had departed the King remained a long time in consultation with his Council, and it was there agreed that the Queen was to be pressed to allow the cause to be tried elsewhere than at Rome. In the evening she was secretly informed of the proposed application to her. She waited all next day in expectation of a visit from the Council; but it was not till evening, when she was about to go

[1] Gairdner, *Calendar*, v. p. 134. (Chapuys to Charles V., June 6, 1531.)

[2] Ibid., p. 177. (Campeggio to Salviati, August 8, 1531.)

to bed, that the Dukes of Norfolk and Suffolk, with about thirty other nobles, accompanied by the Bishops of London and Lincoln, and Drs. Lee, Sampson, and Gardiner arrived. When they had been ushered into her presence, the Duke of Norfolk opened the conference by saying that they came by order of the King, to complain that she had caused great scandal, by having him cited by a public crier to appear personally at Rome, and to represent to her that the right way to bring this business to a loving end, would be to have it decided in some place, and by judges above suspicion, chosen by common consent. In the name of his fellow peers he therefore entreated her to consider, that otherwise she would be the cause of the greatest trouble ever heard of in England, and the ruin of themselves, their children, and their whole posterity. He reminded her that she had been better and more honourably treated than any other Queen of England, and both her father and the Emperor were under great obligations to the King. Finally, he recalled to her mind that the King had lately been declared by the Parliament and clergy of England to be entirely sovereign and chief in his kingdom, over both the temporality and spirituality.

The Duke had spoken so respectfully, that Katherine could not do otherwise than respond.

She expressed her sorrow for any wrong that had been done to the King, especially if she was in fault, though she could not believe her proctors could have taken any unjust advantage of him. She admitted her good treatment, for which she was most grateful to the King, and acknowledged his good offices to her father and the Emperor. But as the King had had recourse to the Pope, who held the place and power of God on earth, she could not consent to choose any other judge. It was no use to speak to her about it, for she would never consent, not for any favour that she expected from his Holiness, because he had always shown himself most partial to the King, his favours to whom she set forth, and she alone had cause for complaint and regret. As to the title of Supreme Head, the King was her sovereign, and she would therefore serve and obey him. He was also sovereign in his realm as regards temporal jurisdiction. But as to the spiritual, it was not pleasing to God either that he should claim this power, or that she should consent to it, for the Pope was the only true sovereign and vicar of God, who had power to judge of spiritual things, of which marriage was one.

Here Dr. Lee interrupted her, and in coarse and insulting language, most distressing to a modest woman, denounced her marriage. The Bishop of Lincoln and Drs. Sampson and Gardiner followed

in the same strain. But she answered each of them with such spirit and aptitude, fitting her unpremeditated answers so perfectly to their several reproaches and insults, that she silenced them, and the Bishop of London, though urged to address her, had not the courage to do so.

When the discussion was finished she said that she was astonished that so many great personages, who might well appal the world, should have come thus to take her by surprise, when she was alone, and without advisers. The Duke replied that she had the best counsel in England, including the Archbishop of Canterbury, the Bishops of Durham and Rochester, and others. She rejoined, they were fine counsellors, for when she asked the Archbishop for advice he said he could not meddle, because "the anger of the Prince is death." The Bishop of Durham said he dared not do so because he was the King's subject and vassal. The Bishop of Rochester told her to keep up her courage. The rest made similar answers, so that she was obliged, as they all knew, to send with the King's licence for doctors from Flanders to draw up her appeal, for at that time the King did not object to the cause being tried in Rome. Hereupon Lord Wiltshire replied, that the licence for this appeal did not extend to citing the King personally. But she answered, she had not procured the citation, and

if in pursuing the appeal the law required it, they must not lay the blame on her. Finally the Duke of Norfolk and Lord Wiltshire begged her to understand that they were not the promoters of these affairs, and they said only what they heard from the doctors and lawyers. The most part of those present, as Chapuys reported, had they been allowed to speak their thoughts, would have taken the Queen's side. Some said, they had worked hard, and counselled long and devised fine plans, but they were confounded and their plans turned topsy-turvy by a mere woman. Sir Henry Guildford, the Controller, said it would be the best deed in the world to tie all the doctors who had invented this cause in a cart and send them to Rome to maintain their opinion, or meet with the confusion they deserved. The others had already shown their satisfaction at the Queen's answers by nudging each other when she touched any strong point; among these was to be found even Gardiner, who had at first been so zealous to get the divorce, but was now suspected by Anne of having changed his opinion. It was said that the nobles would have used stronger language to the Queen, if Lord Talbot had not repeatedly reminded them, they were almost all the nobility of England, and they ought to act as became their rank, and not to think or say any villainy or perversion of justice for any person or prince in the world.

After leaving the Queen the nobles went to the King, who was anxiously waiting to hear the result of their visit. When they told him they had failed, he said he was afraid it would be so, considering the courage and strong feeling of the Queen, adding very thoughtfully, it would now be necessary to provide other remedies. After the Duke of Norfolk had given his report of the proceedings to his own taste, the Duke of Suffolk summed up the matter in a few words, saying that "the Queen was ready to obey the King in all things, but there were two she must first obey." The King, thinking she meant the Pope and the Emperor, asked quickly who these two were. Suffolk answered, they were God and her conscience, which she would not disobey for him or any one else.[1]

When the particulars of Katherine's conference with the nobles were reported at Rome her conduct was highly appreciated by the Pope and cardinals. They said it was evident the Holy Ghost had spoken by her mouth, for she had answered as St. Catherine had done in old times when the doctors came to dispute with her, and that in justice to her virtue, and for the glory of God, her answers ought to be published.[2]

[1] Gairdner, *Calendar*, v. pp. 134–138. (Chapuys to Charles V., June 6, 1531.)

[2] Ibid., p. 162. (Dr. Ortiz to Charles V., Rome, July 19, 1531.)

The failure of this conference with Katherine brought her relations with Henry to a crisis. The next few months revealed what were the other remedies to which he had referred on hearing the report of the nobles whom he had sent to her. Towards the end of June he went with Anne to Windsor, and Katherine, as usual, followed them.[1] On the 14th of July he went to Woodstock to hunt, and Anne accompanied him, but Katherine was forbidden to follow him, and ordered to remain at Windsor.[2] It was customary for the King and Queen to visit each other at least every third day. But as this was impossible under present circumstances, Katherine waited ten days, till the 25th of July, when she sent to inquire for him and express her sorrow that she was not to follow him, and had not even been allowed the consolation of taking leave. In this, however, as in all his other commands, she would be obedient and patient. He answered by an angry message, saying that he had no need to bid her adieu or give her that consolation or any other, and still less that she should visit him and inquire for him, because he was angry with her for having brought him to shame by having him cited to Rome, and refusing, like an obstinate woman as she was, the reasonable request

[1] Gairdner, *Calendar*, v. p. 144.
[2] Ibid., p. 161. (Chapuys to Charles V., July 17, 1531.)

of his Council and nobles, and henceforth she must not send messengers to inquire for him. She wrote to him expressing her sorrow that he should be angry with her, and explaining that all she had done had been done by his leave and for the honour of both. He waited three days without noticing the letter, and then answered roughly and upbraided her for publishing the case to all the world. This letter had no address, as if he meant to change her style, and had not yet determined what title to give her.[1] Her separation was the more distressing to Katherine because it gave the King a better opportunity for gaining the gentry in those districts through which he passed, and inducing them to take his side in Parliament.

Anne, on the other hand, was triumphant. She said openly that she would be married within three or four months. She engaged an armourer and other officers for her household, and thus set about preparing, by degrees, for her royal station. It was generally feared that as the bishops had not dared to stand out against making the King "Head of the Church," they would not have courage to refuse to give sentence on the marriage question according to the King's wishes.[2]

In the middle of August, Katherine was ordered to leave Windsor because the King was coming

[1] Gairdner, *Calendar*, v. p. 167. [2] Ibid., pp. 50, 161.

there to hunt, and to go to the More, a house in Hertfordshire belonging to the Abbey of St. Albans, and to send the Princess Mary to Richmond. Hitherto she had in great measure forgotten her grief for the absence of the King in the enjoyment of her daughter's society. But this separation from her child was almost more than she could bear. She knew that it was intended in order to make her consent to the cause being tried in England. But great as was her suffering she stood firm in her resolves. She objected, however, to go to the More as being unhealthy, and one of the worst houses in England, and she proposed several other places which would be preferable, but the King refused to let her go to any of them. She said she would write to the King, that if this treatment continued she would be happier as a prisoner in the Tower, for then she would not suffer more than she did now, while her misfortunes being notorious, every one would pray God to give her patience and inspire the King to treat her better.[1]

In the middle of October, Dr. Lee, now Archbishop elect of York, Lord Sussex, Sir William Fitz-William, and Dr. Sampson, went by the King's order to the Queen to beg her once more to let the cause be decided by the English bishops. They used

[1] Gairdner, *Calendar*, v. p. 204. (Chapuys to Charles V., September 10, 1531.)

the same arguments as before, and she answered them with the greatest sweetness and frankness, but adhered to her former decision. After a lengthened discussion they fell on their knees, and most earnestly besought her to grant their petition. Whereupon she also fell on her knees and prayed them for the honour of God and His passion, and to clear the King's conscience and her own, to remove such a scandalous example from Christendom, and persuade the King to return to her, as he knew she was his wife, or if he had any scruple about doing so, to let it be set at rest for ever at Rome. Most of her attendants were present during this interview, and though the King's envoys spoke in a low tone, she wished every one to hear and understand what was said, and there were few of them who did not shed tears. Finally, the envoys said that the King would give her the choice either to remain where she was, or retire to a small house of his, or to an Abbey. She answered that it was not for her to choose, and wherever the King commanded her, were it even to the fire, she would go.[1] On the 27th October 1531 she went to the More, where the King had ordered her to reside.[2] The Princess Mary had some time before

[1] Gairdner, *Calendar*, v. p. 226. (Chapuys to Charles V., October 16, 1531.)

[2] Ibid., p. 238. (Same to same, November 4, 1531.)

gone to Richmond, and Katherine never saw her again.

On the 13th November, the King and Queen dined with the Sergeants-at-law at Ely House. But as they dined in two separate rooms, it is probable that they did not meet. At all events, from this time she never again met Henry.

On the following New Year's Day (1532), however, she made a last effort to touch his heart. It was customary for the King and Queen to interchange New Year's gifts, and she therefore sent him a gold cup through a gentleman of his chamber, and being forbidden to write or send messages to him, it was accompanied by only a few humble and courteous words. But though he praised its beauty, he refused it. Nor did he send as usual New Year's gifts to her and her ladies, and he forbade the Lords of the Council and other courtiers to do so. From Anne, on the other hand, he accepted richly ornamented darts of Biscayan fashion, and in return he gave her hangings for a room of cloth of gold and silver, and crimson satin with rich embroidery. She now occupied the apartment that had formerly been the Queen's, and was attended by almost as many ladies as if she were Queen.[1] Henceforth, for above four years,

[1] Gairdner, *Calendar*, v. p. 335. (Chapuys to Charles V., January 4, 1532.)

Katherine led a solitary life, publicly disgraced and insulted, and cut off from her beloved, sole surviving child and the husband whom she loved more than herself, and whose image she could not tear from her heart. In spite of the outrages she endured from him, she continued to cherish her love for him, deluding herself with the belief, that "he was so good, that if she could but see and speak to him, all that had happened would be as nothing, and he would treat her better than ever."[1]

[1] Gairdner, *Calendar*, v. p. 479. (Chapuys to Charles V., May (?), 1532.)

CHAPTER XXI.

USURPATION OF SPIRITUAL JURISDICTION AND LEGISLATION.

THE year 1532 opened at a critical juncture in the King's great cause. When the Rota had decided towards the close of the preceding year that the Excusator could not be heard unless he brought powers from Henry to act in his name, and the Pope had warned Henry through the nuncio and Benet that he would not be able much longer to defer the sentence, Henry's ingenuity in devising pretences for delay was called into play. He now ordered Carne to demand a public disputation in the Consistory on the decision of the Rota. The Queen's proctors opposed this loss of time, but the Pope and cardinals, foreseeing that in the end sentence would have to be given against Henry, wished to satisfy him as far as possible, so as not to give him any just ground for complaint and for refusing the trial at Rome.[1] The disputation was therefore allowed, and it was appointed to be held after Christmas. Carne then raised diffi-

[1] Gairdner, *Calendar*, v. pp. 262, 355, 357.

culties about the time being too short to get good lawyers, who would require from four to six months at least to study the case.[1] But his objections were overruled, and the disputation was fixed for the beginning of February.

This critical juncture seemed to Henry the most fitting moment for further legislative enactments, which might serve to intimidate the Pope and possibly make him more pliant to his will.

Parliament met on January 16, 1532. Tunstall, being in disgrace for his recent letter to the King, was not summoned. Nor was Fisher, whose opinions and uncompromising character were well known. He however came up to town, with the intention of speaking his mind about the divorce. On hearing of his arrival, the King sent to say that he was glad of it and wished to speak to him; but Fisher, fearing that he might be forbidden to speak in the Parliament, presented himself to the King just as he was going to Mass, and though he was well received, he left the church before Mass was finished, so as to avoid all conversation.[2]

The first measure brought before Parliament was a bill forbidding archbishops and bishops to make the usual payments, called annates or first-fruits, to the

[1] Gairdner, *Calendar*, v. p. 271. (Carne to Benet, December 17, 1531.) Cf. p. 355. (Mai to Charles V., January 25, 1532.)

[2] Ibid., p. 351. (Chapuys to Charles V., January 22, 1532.)

Pope for their bulls on their presentation to vacant sees. It provided that if the Pope should refuse to issue the bulls without the usual payments, the bishop elect should be consecrated by the archbishop, and the archbishop elect by two bishops appointed by the King, and after such consecration the new prelates were to enjoy all the rights of their sees. And should the Pope issue any censure, it was not to be published or obeyed, and the rites of the Church were to be administered as usual. The bill was introduced in the House of Lords. The bishops wished to know the Pope's will, but not being allowed to consult him they all voted against it. All the lay Lords, except the Earl of Arundel, however, voted for it, and thus it passed the Upper House, and went down to the Commons, from whom it met with no opposition. But as Henry's object was only to intimidate the Pope while the disputation was being carried on, a clause was added allowing the bishops for the present to pay for their bulls fees not exceeding five per cent. of their yearly incomes, and leaving it open to the King to declare hereafter whether this bill should be annulled or become law.[1]

In order, moreover, to make a stronger impression

[1] Gairdner, *Calendar*, v. pp. 392, 413. *State Papers* (ed. 1849), vii. pp. 349, 360. Burnet, *History of the Reformation* (ed. Pocock), i. p. 198; iv. p. 162.

on the Pope, Henry told the nuncio that this bill was brought in without his consent, and was really the act of the people, who hated the Pope deeply, and that if his Holiness would do something for him he would thank him well, but otherwise he would do nothing to disarm the popular hostility.[1] The King also ordered his ambassadors at Rome to tell the Pope and cardinals that the bill was entirely the act of Parliament, whose free deliberations he could not control, but it depended on their treatment of him whether it was acted on or no.[2] The Duke of Norfolk also wrote to Benet, that no Parliament in his day had shown such ill-feeling to the Church as the present one.[3]

In March it was proposed in Parliament that the authority exercised by the archbishops over the bishops should be transferred to the King. In the course of the discussion the Earl of Wiltshire offered to maintain with his body and goods, that neither Pope nor prelate had a right to exercise jurisdiction or make any law within the realm.[4] Nothing, however, was done, and the discussion seems to have been started only to prepare the way for a more sweeping measure. In the introduction of this

[1] Gairdner, *Calendar*, v. p. 392. (Chapuys to Charles V., February 28, 1532.)

[2] Ibid., p. 415. (Henry VIII. to Benet, March 21, 1532.)

[3] Ibid., p. 392.

[4] Ibid., p. 404. (Chapuys to Charles V., March 6, 1532.)

Henry displayed an extraordinary degree of cunning and skill.

He was as usual in want of money. In the preceding year, when he extracted the large sum of money from the clergy on the grounds of their *præmunire*, he hoped to draw a similar sum from the laity. But the Commons insisted that they had not incurred a forfeiture, and that they ought to be pardoned without any payment. The King refused for some days to listen to them. Whereupon they told the Council that the King had burdened his kingdom with more exactions than any three or four of his predecessors, they bade him remember that his strength lay in the affections of his people, and that other princes who had ill treated their subjects had in consequence had much trouble. On hearing what they said, Henry, who always dreaded unpopularity with his subjects, at once granted their pardon.[1] In February of the year 1532 he had asked them for the third part of the feudal property of all deceased persons. But the demand called forth such unwelcome remarks that he at once gave it up.[2] Again in April he asked for an aid to fortify the Scottish border. Upon this two members, with the concurrence of almost all present in the House, said,

[1] Gairdner, *Calendar*, v. p. 83. (Chapuys to Charles V., April 2, 1531.)

[2] Ibid., p. 380. (Same to same, February 14, 1532.)

that the fortification was needless, as the Scotch could do nothing without foreign aid, and the best fortification was to maintain justice in the kingdom and peace with the Emperor, and that with this view they should petition the King to take back his wife, as the discord which the divorce cause was provoking would ruin the kingdom. When the King heard what was passing he sent for the principal members and made a long speech in defence of the divorce, telling them at the same time it was a matter in which they ought not to interfere. Then craftily he intimated he was ready to support them against the Church, and to mitigate the rigours of the inquisition, which, he said, was more severe than that in Spain. Having thus put them into good humour, he easily obtained a fifteenth for the fortifications. But they still refused to grant him the third of all feudal inheritances.[1]

In fulfilment of his promise to the Commons, Henry caused a petition, as if from them to him, to be drawn up. Four drafts of this petition, corrected for the most part by Cromwell, are still to be seen in the Record Office. The substance of the document was, that owing to the diffusion of heretical books brought from abroad, and want of lenity in some of the bishops in prosecutions in their courts, disunion, resulting in

[1] Gairdner, *Calendar*, v. p. 461.

violence on the one part, and want of patience on the other, had arisen between the clergy and the laity. Complaint was made that the clergy passed laws inconsistent with the laws of the realm, that poor men were cited out of their dioceses, often without any accusers except their judges, that fees in spiritual courts were excessive, and delays about probates and other processes intolerable, besides other minor grievances.[1] This petition was introduced into the House of Commons, probably by Speaker Audley, who had corrected some of the drafts. It was adopted by the members without a suspicion of its origin, and was sent up to the King. On receiving it, Henry answered that he did not wish bishops to have power to lay hands on persons accused of heresy, for it was not their duty to meddle with bodies, as they were only doctors of the soul.[2] He sent it up to Convocation, and commanded the clergy to promise they would never hereafter enact or execute any law without his consent, and as many of the existing spiritual constitutions were prejudicial to his prerogative, and burdensome to his subjects, they were directed to submit them all to sixteen of the clergy and sixteen members of the two Houses of Parliament chosen by him, and whatever they

[1] Gairdner, *Calendar*, v., Preface, p. xix.
[2] Ibid., p. 467. (Chapuys to Charles V., May 13, 1532.)

should condemn would be annulled, and the rest would continue in force only after receiving his approval.

The clergy answered in a moderate and dignified tone. They protested that there had been no want of charity towards their children, as they had prosecuted only heretics and evil-disposed persons, as in duty bound, and they agreed with the Commons in ascribing any want of unity to the new opinions brought from abroad. As their laws, and also those made by the most religious princes and the nation, had been framed according to Scripture and the decisions of the Church, which were the true tests of all law and justice, it was impossible that the two codes of law could differ. They defended their jurisdiction and legislative power from Holy Scripture, the Councils, and even the King's own book against Luther, and insisted that it was impossible for them to give up the charge committed to them by God. They offered, however, in consideration of the King's great wisdom, learning, and virtue, to promise never to pass any law without his consent, and to expunge all the existing laws displeasing to him. Gardiner wrote a private letter enforcing these arguments, and showing that were they to give up their powers the gift would be fraught with no less danger to the receiver than to the giver. Sir Thomas More

also spoke strongly in the House of Lords in support of the clergy. But the King would not accept any compromise. It was not to any of their existing laws, but to their power of making laws at all without his authority, that he objected. He further intimated that he did not wish any of his subjects to swear fealty to the Pope or any one but himself. The prelates answered, that their oath to the Pope was legal, and not derogatory to the royal authority. But the King was obstinate, and would not listen to reason, and after a struggle of several weeks the clergy gave way, and, on the 16th of May 1532, formally presented to him the submission which he demanded.[1]

The King was much irritated by the opposition he had met with, especially from Gardiner, who had also refused to preach in favour of the measure. The bishop consequently absented himself from court; but before many days had passed the King was obliged to press him to return, because a despatch had to be sent to Rome, and no one else could write it so well as he.[2]

It was a significant proof of the feeling of good and wise men, that on the very day the clergy made their submission to the King, Sir Thomas

[1] Wilkins, *Concilia*, iii. pp. 748, 755. Gairdner, *Calendar*, v. pp. 467–479. Cf. Ibid., Preface, p. xix.
[2] Ibid., p. 479. (Chapuys to Charles V., May 31, 1532.)

More, the first layman in England, resigned the Chancellorship.[1] He had all along been dissatisfied with the King's policy, but he now foresaw what was coming, and he retired in the hope that in the bosom of his family at Chelsea the storm might pass over his head. Though he incurred the King's grave displeasure for his recent support of the clergy, yet he knew his great worth, and most reluctantly accepted his resignation.

A few days before the submission was tendered the King sent for the Commons, and told them that he found on inquiry that the prelates, whom he had looked on as wholly his subjects, were only half his subjects, for at their consecration they took an oath to the Pope quite contrary to the oath they had sworn to the crown, whence it seemed they were the Pope's subjects rather than his. He bade them take care that he was no longer deprived of his rights. The two oaths sworn by the clergy to the King and the Pope were therefore read in the House of Commons. But before any further action could be taken the plague broke out in London, and Parliament was prorogued.[2]

Thus every arrangement was now made for riveting the bonds of royal power on the ecclesiastical

[1] Gairdner, *Calendar*, v. p. 489. Cf. Ibid., Preface, p. xxiii.
[2] Ibid., Preface, p. xviii.

body, and so at length enslaving the Church to the kingly will. By his late skilful management Henry had not only obtained money from the Commons, who on this subject alone were generally inexorable; but by exciting fresh enmity between them and the clergy, he had disarmed the formidable opposition, which conjointly they would have offered to the separation of England from Rome.

CHAPTER XXII.

DECISIVE ACTION IN ROME.

MEANWHILE important steps had been taken at Rome. Katherine's sufferings had always excited great sympathy there, especially from the Pope, who felt towards her as if he were her father.[1] When it became known that she had been removed twenty miles from court, it was generally acknowledged that some notice must be taken of so open an act of disobedience to the Holy See, and the Spanish ambassador asked for a brief excommunicating Henry, unless within a certain time he sent Anne away and restored Katherine to her position as his wife. But before taking so strong a step the Pope wished for further information from the nuncio.[2] The nuncio accordingly went to Henry and remonstrated about his treatment of the Queen. Henry replied, that he had always treated her well and loyally, and had not diminished her retinue or income. She was his wife and was bound to obey him. He had ordered her not to press the trial of

[1] Gairdner, *Calendar*, v. p. 262. (Cardinal of Osma to Charles V., December 4, 1531.)

[2] Ibid., p. 169.

the divorce suit at Rome. As she still persevered in doing so, he had given her the choice of four places in which to live apart from him. In this neither the Pope nor the Emperor had any business to interfere, for it was as lawful for him as for other husbands to command his wife to live apart for a time.[1]

As there was now no doubt about Henry's intentions, the Pope ordered the brief threatening him with excommunication to be drawn up and submitted to the Cardinal of Ancona, whose opinion had special weight. The Cardinal had always supported Katherine's cause with great courage and consistency, and he now agreed that the brief ought to be issued, though he feared that disobedience, schism, and heresy would be the result, and then no remedy would be left except war, which would greatly hinder the necessary resistance of Christendom to the Turks.[2] These considerations and the solicitations of the Cardinal de Tournon, one of the French ambassadors, induced him to advise the Pope to send to Henry in the first place a letter of admonition.[3] The Pope therefore wrote as follows :—

"MOST DEAR SON IN CHRIST,—Health and the Apostolic Blessing. We have been told, but our

[1] Gairdner, *Calendar*, v. pp. 335, 351. (Chapuys to Charles V.)
[2] Ibid., p. 281.
[3] Ibid., p. 403. (Ortiz to the Empress, March 3, 1532.) Cf. Rawdon Brown, *Venetian State Papers*, iv. p. 397.

affection for you and care for your honour and salvation would fain make us believe it is false, that you, who ever since the beginning of the suit about the validity of your marriage have always treated our illustrious daughter Katherine as your queen and wife, have recently sent her away from your court and place of abode, and have taken in her stead a certain Anne, with whom you are living publicly as your wife. If this be true, we do not doubt that even were we silent you must see how unworthy of a religious prince, such as you have always been, and how contrary to your nature and habits, is this contempt shown to our judgment-seat, this scandal in the Church, and this disturbance of public peace by deciding for yourself your own cause, which is now pending before us.

"Hitherto, no king has more zealously defended the Church and the Faith by his arms and writings, or more firmly upheld and gloriously fought for the public good and tranquillity, or been more constantly the peacemaker between Christian princes than you. We therefore feel the more wonder and grief that you should act so inconsistently with the glory and custom of your whole life.

"Your high rank, your former benefits conferred on us, and our consequent affection for you, make us wish to speak as a loving and anxious father

before we assume the office of a judge. Speaking therefore as a father, we earnestly entreat you to consider how Catholics will grieve and heretics rejoice when they hear, that without our permission, but on the contrary in spite of our prohibition, you have banished your queen, the daughter of kings and aunt of the Emperor and King of the Romans, who has lived with you as your wife above twenty years, and by whom you have had children, and have put another in her place. They must necessarily believe that he who had formerly been the best of princes, now makes light of the Church and the public peace, which we are convinced is so far from your will and intention, that if any of your subjects had acted thus, you would have punished him severely. And even, if you know yourself to be innocent, as indeed we always believe, you ought not to give cause for scandal nor to set a bad example, especially in this calamitous time full of heresies and other disturbances; for the deeds of princes, and above all of one so illustrious as you, stand forth as an example for the imitation of all men. Nor by offering this insult and injury to the Emperor and the King of the Romans, the nephews of Katherine, ought you to imperil the general peace, by which alone Christendom is saved from the imminent dangers impending from the Turks.

"Wherefore, by that affection which we have always felt, and if you will allow it, we still feel for you, with all love and earnestness we exhort, and with fatherly charity we warn you, if those things which sully your former piety and glory be true, to correct them and recall Queen Katherine lovingly, and restore her to the honour as a queen, and the affection as a wife, which she ought to have from you, and to send away Anne, till our sentence between you has been given. Which, though it is due to us from you, and is greatly to your future honour, we shall receive as a favour from your Serenity. For as we greatly desire to preserve your former goodwill to us and this Holy See, the more should we grieve to have recourse to the remedy of law, the necessity for which, not your injury to ourselves, which we would willingly forgive, but the honour of the Omnipotent God, the public good, and lastly the salvation of your soul impose, however unwillingly, on us, as our nuncio will explain more fully to your Serenity.

"Given at Rome, before St. Peter, under the ring of the Fisherman, 25th day of January 1532, in the 12th year of our pontificate."[1]

This letter of admonition was sent to the Queen. But as she did not think it prudent to make use

[1] Pocock, *Records of the Reformation*, ii. p. 166.

of it at once, probably because Parliament was sitting, and she feared, as she always did at such times, that the King might bring the divorce question before it, it was not delivered till the 13th of May.[1]

When the nuncio went to court to present it, he had great difficulty in obtaining an audience, for the King evidently feared he might be the bearer of a brief of excommunication. He was told to speak to the Duke of Norfolk; but he refused to do so. At last, after waiting above an hour, he was admitted. On seeing him, the King said he did not know what the Pope could order him to do. The nuncio explained the tenor of the brief, and then gave it to the King. Henry seemed astonished and troubled, and said he was surprised the Pope should persevere in this fancy of wishing him to recall the Queen, for if she was his wife, as his Holiness said, it was not the Pope's business to meddle in the way he punished her for her daily rude behaviour to him. The nuncio said the Pope could not refuse justice, especially as the case concerned the Emperor and the King of the Romans. But Henry only repeated several times that the punishment of his wife was his own affair and not that of any one else. He had studied the Divine and Canon law on the subject

[1] Gairdner, *Calendar*, v. pp. 455, 475. (Chapuys to Charles V.)

and had consulted many learned men, and he did not know that the Pope could order him to do anything. Finally, he said he would read the Pope's letter at his leisure and answer it.[1]

The only answer given was one of open defiance. As if braving the Pope's admonitions, the Queen was removed to Bugden, which was even further off from the court than where she had been. She was annoyed at this removal, not only because the house was very inferior to that at the More, but because it belonged to Longland, Bishop of Lincoln, who was believed to be one of those who first suggested the divorce.[2] It needed now but a word to change her rank and style.

This admonitory letter was not the only important matter carried out at Rome. A decisive step was also taken towards the conclusion of the cause. On the 16th February 1533, the disputation before the Consistory was opened. Carne began by bringing forward twenty-five points, each of which was to be argued for a day, and at the close of each day a summary of the day's proceedings was to be drawn up and presented to the opposite party and sent on to the Pope. Thus the disputation would have occupied twenty-five Consistories. The Queen's proctors maintained that it would be enough to

[1] Gairdner, *Calendar*, v. pp. 475, 495.
[2] Ibid., p. 476. (Chapuys to Charles V., May 22, 1532.)

discuss the single point as to whether the excusator was to be admitted or not, and the majority of the cardinals supported them. The Pope, however, decided in Carne's favour, with the exception that three points were to be discussed at each Consistory.[1] But even under this arrangement the disputation occupied many months. It was understood that Carne had a mandate from Henry, but he put off presenting it to gain time. At length, on the 12th June, he presented a letter from Henry which he wished to use as a commission. It was in tone scarcely more respectful than the preceding one, but the question of its reception had to be discussed, and it thus answered Henry's present purpose of causing delay. Finally, after the disputation was concluded, Carne sought many private interviews with both the Pope and the cardinals, by which he managed to drag on the matter till the end of June.

Meanwhile the English ambassadors continued to press on the Pope various proposals for removing the trial to other places and other judges, which were always favourable to Henry. It was understood also that the Pope was to give a written promise to pronounce sentence according to the decision of the judge, or the majority of them if more

[1] Gairdner, *Calendar*, v. p. 83.

than one were appointed.[1] They pertinaciously supported Carne's claim to be heard, declaring that "even if an angel should come from heaven and show Henry it was not canonical he would not believe him."[2] All their arguments, too, were supported by threats and bribes, and by the repetition over and over again of the same reasonings and plans, with the deliberate intention of driving the Pope at last, by sheer weariness, to grant their request.[3]

In reporting these proceedings to Henry, they were careful to place them in the light most pleasing to him. If the Pope rejected their requests, he was said to do so only under the Emperor's influence. If, on the contrary, he showed interest in some suggestion of theirs, or in the opinion of some learned man in Henry's favour, and still more, if he professed his resolution to do all he could for Henry or to do him justice, his words were reported so as to make Henry think he had pledged himself more or less positively in his favour. A similar course was pursued with the cardinals, lawyers, theologians, and all who were supposed to have any influence in the matter, their doings and sayings

[1] *State Papers* (ed. 1849), vii. pp. 310–313. (Henry VIII. to Benet, July 10, 1531.)

[2] Ibid., p. 300. (Benet to Henry VIII.)

[3] Ibid., pp. 310, 311. (Henry to Benet, *ut sup.*)

being twisted and exaggerated so as always to keep up Henry's hopes of a favourable issue.

But notwithstanding all the efforts of both Carne and the ambassadors, the decision of the Consistory was unfavourable. Even the cardinals of the French party voted against them.[1] On the 9th of July, they were informed it had been decided to suspend the cause till the beginning of November. Meanwhile the Pope and cardinals would write to Henry exhorting him to send, before the expiration of that time, a proctor to represent him in the principal cause, which would then at once be proceeded with, and whatever justice and equity required on their part would be administered as favourably as possible for him. Carne's claim to appear as excusator was neither admitted nor refused, though it was tacitly rejected by the demand for a proctor.[2] Henry's ambassadors expressed great disappointment. But they were told they had been more favourably treated than their adversaries, many of whom had pressed in vain to have sentence pronounced at once for the Queen. Great pains were taken to explain that a proctor would, in fact, be the same as the excusator, and that some upright man would be delegated to

[1] Gairdner, *Calendar*, v. p. 517. (Sir Gregory Casale to Henry VIII., July 1532.)

[2] Pocock, *Records of the Reformation*, ii. p. 280. Cf. Gairdner, *Calendar*, v. pp. 513, 515.

take evidence *in partibus*. As the decision must rest with the Pope, even if permission were given to try the cause elsewhere, Henry need not fear that, were the Emperor himself present, justice would not be done him.[1] But justice was hardly what Henry wished for.

[1] Gairdner, *Calendar*, v. pp. 516, 517.

CHAPTER XXIII.

POPULAR FEELING IN ENGLAND.

THE Pope's admonitory letter, and the recent decision of the Consistory, made it evident that sentence would not be much longer deferred. Henry's preparations to meet it were well nigh completed, and there was only one subject which still gave him anxiety. He was always keenly sensitive to popular feeling, and speculations as to how his subjects looked on his policy must often have presented themselves to his mind. About the answer to this question there could be no doubt.

In 1531, when the opinions of the Universities in condemnation of successive Popes were read in Parliament, the Lords had received them coldly, and the Commons had listened in sullen silence.[1] In February 1532, the Duke of Norfolk made an attempt to gain the Lords by appealing to their loyalty, on which they and the whole nation had prided themselves since the close of the civil war. Assembling them for the purpose, he explained

[1] Gairdner, *Calendar*, v. p. 84. (Chapuys to Charles V., April 2, 1531.)

to them how the King had been ill-treated by the Pope in violation of the privileges of the realm, and how, since many doctors held that marriage belonged to the temporal and not to the spiritual jurisdiction, the King's cause ought to be judged before the King. Finally, he asked whether they would not give their persons and goods to preserve the royal rights. Lord Darcy, who was the first to answer, said his person and goods were at the King's disposal. But he had always heard and read that marriage was a spiritual matter, and belonged to the ecclesiastical jurisdiction. The King and his Council, however, knew best what to do. Most of those who were present expressed similar opinions, and the Duke gained nothing by his attempt to force their hand.[1]

The principal peers and their wives constantly expressed sympathy with the Queen. The Duchess of Norfolk always spoke so openly in her favour, that in May 1531 she was sent away from court. About the same time, the Duke of Norfolk, in conversation with the Marquis of Dorset, said that Queen Katherine's courage and equanimity were almost supernatural. The Marquis answered that her conscience must be well assured of the justice of her cause. To which the Duke replied

[1] Gairdner, *Calendar*, v. p. 381. (Chapuys to Charles V., February 14, 1532.)

that "it was the devil and nobody else who was the inventor of this accursed dispute."[1] In July the Marquis was banished from court because he was devoted to the Queen, and was charged with the duty of superintending the musters in the counties of the extreme West.[2] In September he was arrested, and one of his principal servants was sent to the Tower for trying to seduce his boon companions and saying to them, they saw how things were going, and his master must be King.[3] There seems, however, to have been no ground for suspecting the Marquis of treason. But his servant's words show the popular feeling in the matter.

The Earl of Shrewsbury, as well as his great friend, Sir Thomas More, were strong supporters of the Queen. The Earl, in virtue of his office at court, had charge of the Queen's crown, and it was generally said that since neither he nor any of his house had ever incurred reproach, he would take care, both for his own honour and his affection for her, not to let it be put on the head of any one else.[4]

In April 1531 Sir Henry Guildford, the Controller, Sir William Fitzwilliam, the Treasurer, and the Duke of Suffolk spoke strongly and plainly

[1] Gairdner, *Calendar*, v. p. 110. (Chapuys to Charles V.)
[2] Ibid., p. 161. [3] Ibid., p. 205.
[4] Ibid., p. 60. (Same to same.)

to the King in the Queen's favour.[1] The Duke and his wife Mary, Queen-Dowager of France, seized every opportunity to display their enmity to Anne. At first Mary had taken Katherine's part through fear that her own marriage might be declared invalid, and now she was further irritated by being obliged to give precedence to Anne in public.[2] The Duke on his part made charges against Anne's honour, to which she retorted by accusing him of infamous crimes.[3] Disputes between them ran so high, that in April 1532 there was a fight between the followers of the Dukes of Norfolk and Suffolk, in consequence of some opprobrious language used by the Duchess Mary to Anne, and some of Suffolk's followers were killed.[4]

Sir Henry Guildford spoke so openly against Anne that she threatened to deprive him of his office when she became Queen. He replied, that when that time came she would not have the trouble, as he would give up the office himself. He then went to the King, and telling him what had passed, gave up his staff of office, but the King twice refused to receive it, declaring he ought not

[1] Gairdner, *Calendar*, v. p. 100.

[2] Gayangos, *Spanish State Papers*, iv., part 1, p. 366. (Chapuys to Charles V., December 13, 1529.)

[3] Ibid., p. 535. Cf. Gairdner, *Calendar*, v. p. 161.

[4] Rawdon Brown, *Venetian State Papers*, iv. p. 332. (Letter from London to the Signory, April 28, 1532.)

to trouble himself with what women said. He, however, was so filled with disgust that he retired for a time to his own house, though he retained office till his death in the following year.[1]

Even the King's own agents had changed their opinion. Benet, it will be remembered, had come to England at the end of 1531, to warn the King of the hopeless state of his affairs in Rome. Before he returned, he sent a message to the Queen, begging her pardon for acting against her. He had been, he said, and still was compelled so to do, though she had no better servant than himself, nor any one who prayed God more heartily for the preservation of her royal estate, which he was certain she would retain in spite of all the King and his agents could do.[2] Before he left Rome, he had told the Pope that he was sorry that the King was throwing the whole world into confusion for a fancy, and he thought the Queen suited him so well that if she were not already his wife, he ought to marry her now.[3]

Gardiner, too, notwithstanding his former scandalous treatment of the Pope, had changed his mind about the great question. He now did all he could

[1] Gairdner, *Calendar*, v. p. 138. (Chapuys to Charles V., June 6, 1531.)

[2] Ibid., p. 335. (Same to same, January 4, 1532.)

[3] Ibid., p. 393. (Mai to Charles V., February 29, 1532.)

to persuade the King to give up Anne and drop the suit, which he could still do without loss of honour.[1] There was, moreover, a general impression, in which Benet, Norfolk, and Gardiner shared, that Henry did not love Anne as much as formerly, and that he secretly wished to give her up and retreat from the affair if he could do so honourably. There certainly were grounds for such a supposition, both in his frequent complaints about her temper, and in his readiness to defer the actual marriage. Her demeanour was daily becoming more and more arrogant, not only to the courtiers, but even to the King himself. She constantly spoke to Henry in a tone of authority, and used language to him of which he several times complained to the Duke of Norfolk, saying that she was not like the Queen, who had never in her life used ill words to him. Quarrels between them at times rose so high, that the Duke was in great tribulation, believing she would be the ruin of all their family.[2]

Henry well knew that he could not rely on the bishops to act in direct opposition to the Pope. Fisher made no secret of his view as to the divorce, and took advantage of every occasion to speak against it. Tunstall, too, was so openly opposed

[1] Gairdner, *Calendar*, v. p. 393. Cf. also pp. 479, 561.
[2] Ibid., pp. 101, 110. (Chapuys to Charles V.)

to the King's entire policy that Henry suspected that he might be in treasonable correspondence with the Emperor, and in May 1532 he ordered the Earls of Westmoreland and Cumberland and Sir Thomas Clifford to secretly search his houses in the diocese of Durham in his absence.[1] But nothing treasonable was found in them.

There was however one, the loss of whose support was a special grief to Henry. This was his cousin Reginald Pole, son of the Countess of Salisbury, the daughter of George, Duke of Clarence, brother of Edward IV., and grand-daughter, through her mother, of the Earl of Warwick, the celebrated king-maker. She was lady-in-waiting to Katherine during her marriage with Arthur, and had charge of the Princess Mary from the time of her birth. Reginald had thus grown up in the royal household, and the King became warmly attached to him and took on himself the charge of his education. He was sent first to the University of Padua, and afterwards to that of Paris, where, by his high breeding, scholarship, and consistent integrity, he kept up the character of his nation, and laid the foundation of a reputation which, in after years, caused it to be said of him, copying St. Gregory's witticism, that he was "Non Anglicus sed angelicus."[2]

[1] Gairdner, *Calendar*, v. pp. 459, 460.

[2] Rawdon Brown, *Venetian State Papers*, v., Preface, pp. xi, xii.

Being in Paris in 1531, he was ordered by the King to assist in obtaining the opinions of the Universities in favour of the divorce. But as his conscience recoiled from this charge he got leave, on the pretence of his inexperience, to resign it and return to England. Soon after, the Duke of Norfolk told him that the King was about to give him the archbishopric of York, which had been vacant since Wolsey's death, but he would first require of him some declaration of his opinion on the great question. He told the Duke plainly, that he disapproved of it, but by the Duke's advice he asked a month to study. During this time his brothers and other relatives spared no efforts to bring him round to the opinion which would lead to the gratification of their family ambition. After a long struggle with himself, he fancied he had discovered a line of argument by which he hoped to satisfy Henry without wounding his own conscience. He was received most graciously by Henry in the gallery of York Palace. But as he was about to explain the new view he had taken, and the arguments in support of it, he suddenly forgot every word of what he was about to say. Startled by this unexpected loss of memory, he felt himself bound to disclose his real opinions. Henry heard him with a burst of fury, and interrupting him with a volley of reproaches, turned on his heel and left

him in tears. His brothers then gathered round Pole, complaining that by his obstinacy he had ruined not only himself but them. Moved by their complaints, he wrote to the King a letter expressing his great sorrow that he was obliged to differ in opinion from his benefactor. Repeating, with great modesty, the arguments which obliged him to do so, he declared that his only motive was to save the honour of the King.[1] The letter was so much to the point, that Cranmer, in a communication to the Earl of Wiltshire, said that Pole wrote "with such wit" that he might well be one of the King's Council, and with such eloquence that, were his letter known to the people, he believed they could not be persuaded to the contrary opinion.[2]

The Duke of Norfolk now told Pole's brother, Lord Montacute, that the King bore him such ill-will for this letter, that it would certainly cause his ruin. Pole answered that this was impossible if he had read *all* that he had written, because he had opened his heart so sincerely and affectionately to him, and he requested his brother to take an opportunity of explaining the circumstances to the King. This Lord Montacute accordingly did. After remaining silent for a long time, Henry answered, that he

[1] Pole, *De Ecclesiæ Unitate Defen.*, f. 78.

[2] Gairdner, *Calendar*, v. p. 766. (Cranmer to the Earl of Wiltshire, June 13, 1531.)

had read the whole letter, and though he regretted Pole's opinion, he could not be angry with him, because of the sincerity and love to himself with which it was expressed.[1] In the hope that he might yet be induced to change his opinion, Henry kept him in England. But in January 1532, when the bill abolishing annates was about to be brought before Parliament, Pole, having told the King that if he remained in England he must attend Parliament and speak according to his conscience, on both this and the divorce,[2] he gave him leave to go abroad, and continued his allowance to him.

The feeling throughout the nation was the same as that of the nobles. It was feared that the Pope would declare the King a schismatic, and deprive him of the kingdom of England or at least of his claim to that of France, and thus put an end to the French pensions, on which the payment of his debts to his subjects depended.[3]

It was generally said that the King was governed by a common prostitute, who would cause both the spirituality and temporality to be beggared.[4] Whenever Anne appeared in public she was assailed with the most abusive epithets. On one

[1] Rawdon Brown, *Venetian State Papers*, v. p. 244. (Pole to Somerset, 1549.)

[2] Gairdner, *Calendar*, v. p. 351.

[3] Ibid., p. 50.

[4] Ibid., p. 425.

occasion, when she was supping at a place on the river, unaccompanied by Henry, a mob of women assembled in boats with the intention of killing her. But having been warned of their approach, she escaped by hastily crossing the stream.[1]

In July 1532 the King set out with Anne on a hunting expedition to the North. But wherever he passed the people insulted Anne, and urged him to take back the Queen. At Yarmouth, so formidable a mob of women assembled with the connivance of their husbands, and made such a riot, that she was frightened, and persuaded Henry to turn back.[2]

In March 1532 the clergy throughout the country were ordered to preach in favour of the divorce. The experiment was first made in the diocese of Salisbury, but the people, and especially the women, were so infuriated that the preacher would have been torn to pieces if the magistrates had not come to his rescue.[3] In the following May,

[1] Rawdon Brown, *Venetian State Papers*, iv. p. 304. (Advices received by French ambassador in Venice, November 24, 1531.)

[2] Gairdner, *Calendar*, v. p. 526. (Chapuys to Charles V., July 29, 1532.) Cf. p. 530, No. 45, and Preface, p. xxv. "What, indeed," writes Mr. Gairdner, "could be thought of the favourite who accompanied the King from place to place after he had finally parted from his wife, when he had not yet obtained a divorce? It was simply impossible that she should, now at least, be credited with that 'purity of life,' that 'maidenly pudicity,' which Wolsey had insisted on, some years before, as grounds for obtaining the Pope's sanction to her marriage with the King."

[3] Ibid., p. 413. (Chapuys to Charles V., March 20, 1532.)

at a sermon in St. Paul's on the same subject, a woman stood up and told the preacher he lied, and that the King's example would be the destruction of the laws of matrimony. She was arrested, as were also some of the clergy who had preached in favour of the Queen a few days before.[1] But in spite of arrests and punishments, sermons in favour of the Queen continued, some of the delinquents being arrested even in the houses of the bishops.

The popular feeling found its way into the King's palace, and it was thought necessary to make serious inquiries into trifles which would otherwise have seemed unimportant. One of the court fools was taught a particular trick of falling off his horse backwards, when he would remark that the King would have a fall shortly. This saying was noised abroad, and added to the general feeling that a great misfortune was coming on the land. The Prior of the Crutched Friars took notice of it, and exhorted his brethren to stand firm and true to their religion in the days of trial that were at hand, for he had been told that the King was determined to put down certain religious houses, in which case he would be, not Defensor, but Destructor Fidei.[2]

[1] Rawdon Brown, *Venetian State Papers*, iv. p. 335.
[2] Gairdner, *Calendar*, v. p. 531. Cf. Preface, p. xxv.

The first step towards the dissolution of religious houses had indeed already been taken. On Sir Thomas More's resignation of the Chancellorship, the Great Seal was given to Sir Thomas Audley, who was unable, through poverty, to keep up the office. The King therefore gave him the estates, convent, church, and rents of the Canons Regular of Christ Church, London. It was supposed that the canons were sufficiently provided for by being dispersed in other houses of the order. But the prior wrote several piteous letters to Cromwell, praying that after having given up his bedding, clothes, and the furniture of his cell, he might not be kept in prison for the debts of the house.[1] Lichefeld, one of the canons, also wrote to Cromwell, contrasting, in touching terms, the former peaceful and happy condition of their house, entirely devoted to religion, with his present distress, as an outcast and despised of men. For, being one of the last of the community, he was refused admittance into the other houses to which he applied, and after his religious training he could not maintain himself in any other way.[2]

Popular feeling in favour of the Queen was fostered by the Franciscan friars, who were constantly travelling about the country, preaching,

[1] Gairdner, *Calendar*, v. pp. 721, 722.

[2] Ibid., p. 724.

hearing confessions, and encouraging devotion. They were much attached to the Queen, not only on account of her great virtue, but because she was a tertiary of their order. She wore their habit under her royal robe, kept the fasts and rule of the order, and when the court was at Greenwich, joined the friars in saying the Office not only by day but at night. Their zeal on behalf of the Queen had long irritated Henry. In 1532, however, he wrote to their general requesting him, for the sake of peace and good feeling between him and the Observants, to depose the English Provincial, Friar Peto, and send a certain Friar John, whom he knew and liked, to be his Commissary and Provincial in England. The general answered that he could not send Friar John because the Queen of Hungary would not part with him, and that he had not the power to depose or appoint provincials, who were always elected by their brethren. But he would send Friar John de la Haye to England as his commissary.[1]

It happened that on Easter Sunday of this year Father Peto was preaching on the twenty-second chapter of the third book of Kings, before Henry at Greenwich. As he narrated the history of Ahab, he applied to the King the prophet's threat, "where the dogs licked the blood of Naboth there shall they

[1] Gairdner, *Calendar*, v. pp. 342, 619.

lick thine, even thine." He tried to persuade him to separate from Anne, and added, "I am that Micheas whom thou wilt hate because I must tell thee truly that this marriage is unlawful. I know that I shall eat the bread of affliction and drink the water of sorrow, yet because our Lord hath put it into my mouth I must speak it. There are many other preachers, yea too many, who preach and persuade thee otherwise, feeding thy folly and frail affections for the sake of their own worldly promotion, and thus betraying thy soul, thy honour, and thy posterity to obtain rich benefices and ecclesiastical dignities. These, I say, are the four hundred prophets who in the spirit of lying seek to deceive thee. But take good heed lest, being seduced, thou find Ahab's punishment, and have thy blood licked up by the dogs. It is one of the greatest miseries of princes to be daily abused by flatterers."

The King bore the reprimand quietly, but after the sermon he sent for Peto and reproved him for what he had said. Peto, however, far from being abashed, answered boldly that his Majesty was endangering his crown, for every one, great and small, was murmuring against the divorce and his intended marriage. The King then gave him leave to go to Toulouse to attend a Chapter of the order, but Peto's secret motive for wishing to go was to get

a book he had written in defence of the Queen's marriage printed.

During his absence, Dr. Curwen, one of the King's chaplains, preached before the King at Greenwich. In his sermon he spoke violently against Friar Peto, calling him dog, slanderer, base beggarly friar, rebel, and traitor, and saying no subject ought to speak so audaciously to princes, and much more to the same effect, and in praise of the King's marriage, whereby his seed he foretold would be for ever established on the throne. Finally he raised his voice and cried out: "I speak to thee, Peto, who makest thyself Micheas that thou mayest speak evil of kings, but art not now to be found, being fled for fear and shame at being unable to answer my arguments." Whereupon Friar Elstowe, warden of Greenwich, cried aloud from the rood loft, "Good sir, thou knowest that Friar Peto is now gone to a Chapter at Toulouse, and not fled from fear of thee, and he will soon return. Meanwhile I am here as another Micheas, and I will lay down my life to prove all that he has taught out of the Holy Scriptures. To this combat I challenge thee before God and all impartial judges, even thee, Curwen, who art one of the four hundred prophets into whom the spirit of lying is entered, more for thine own vain glory and hope of promotion than for the discharge of thy clogged conscience and the King's

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salvation." Thus Elstowe waxed hot and spoke very earnestly, and they could not stop him till the King himself bade him hold his peace.[1]

Soon after Peto returned, and the bishops by the King's command told him that he ought to degrade Elstowe. But he positively refused to do so. Consequently, on the 15th April, he and Elstowe were summoned before the King and his Council. While they were waiting for the opening of the Council, Peto, after keeping silence for a long time, said, as if in colloquy with himself to rouse his courage: "Speak, brother. I dare not. Wherefore art thou afraid? I fear the King. Indeed! And art not thou rather filled with horror and terror at the thought of God the Omnipotent King of kings? Whether it is right to fear a man rather than God, judge thou thyself, O king." Thus he continued till the Council assembled.

Undaunted by the reprimands of the Council, Peto defended his sermon. Cromwell, now made Earl of Essex, said that he and Elstowe deserved to be put into a sack and thrown into the Thames. Whereupon Elstowe, smiling, answered, "My Lord, frighten with such threats your court epicures, men who have lost their courage in their palates, and softened their minds with pomp and pleasure. Such people, who are tied by their senses to the world,

[1] Gairdner, *Calendar*, v. p. 441.

are likely to yield to your menaces, but they make no impression on us. We count it an honour to suffer for our duty, and thank God for keeping us firm under trial. As for your Thames, the road to heaven is as near by water as by land, and it is indifferent to us which way we go thither." After they had been severely reproved by the Council, they were committed to prison. Their courage, however, was not shaken, and they declared to the Spanish ambassador they would die rather than recant.[1]

The King now wrote to Rome to obtain a commission for them to be tried by the Provincial of the Augustinian Hermits, who was quite subservient to his will. But as this commission would have been an insult to the whole order, the Pope refused to give it.[2]

Their imprisonment, however, did not crush the spirit of the order. Father Curson, who was appointed Vicar of the Convent at Greenwich during Elstowe's absence, took every opportunity of defending him, and was careful that he should be supplied with every necessary in the Convent of Bedford, in which he was confined. He also encouraged Father Robinson, a friar of Richmond, to preach at St. Paul's Cross on the divorce and justify the Queen's marriage. In consequence of their zeal and activity

[1] Gairdner, *Calendar*, v. p. 441. [2] Ibid., p. 462.

the King applied to John de la Haye, the commissary, to deprive them of their offices. But the commissary wrote that he had not the authority to do so. He took the opportunity, however, to beg that Peto and Elstowe might be set at liberty.[1]

They now went to Antwerp, where they were under the Emperor's protection. But even here they were closely watched by Stephen Vaughan, a spy of Cromwell. He sent home reports accusing them and their brethren in England of circulating treasonable works and conspiring against the King's life, and he recommended Henry to look well about him, thus keeping up his irritation against their order. He also found in Peto's possession, copies of Sir Thomas More's book against Tyndale and Frith, and a book in favour of the Queen written by Fisher, and lent by him to the Spaniards, who, unknown to him, made a copy which was printed at Antwerp, and was to be circulated in England. It appeared to be Cromwell's object to implicate Fisher and More in the pretended treasonable practices of the Observants.[2]

[1] Gairdner, *Calendar*, pp. 112, 509, 531, 581.

[2] *State Papers* (1849), vii. pp. 489–492. For the history of Friars Peto and Elstowe, and of the King's treatment of the Observant friars, see Gasquet, *Henry VIII. and the English Monasteries*, i. chapter v.

CHAPTER XXIV.

PREPARATIONS FOR THE CRISIS.

It was evident in July 1532 that the crisis was at hand. Henry must therefore at once decide how he would meet it. He had been admonished, under pain of excommunication, to send away Anne and take back the Queen. He had been peremptorily cited to appear by proxy in November before the Pope's tribunal, failing which, sentence would be given against him in his absence. If he obeyed either the admonition or the citation his newly won ecclesiastical supremacy and jurisdiction, the civil despotism to be hereafter founded on them, and the golden vision of all the Church's wealth which floated before him, would vanish. It need scarcely be said that he determined to defy both excommunication and Papal sentence, and resolved, as the only means of attaining his end, upon the breach with Rome.

When told on July 9th of the Pope's contemplated action against him, he flew into a rage and said publicly, the Pope had no power over him, and that

he would not allow him to treat him as he had hitherto done. He at once ordered preparations to be made for his marriage with Anne, and announced his determination to celebrate it in the most solemn manner.[1] A few weeks afterwards, when the nuncio presented to him the Pope's letter written in Consistory, he again flew into a passion as usual, and said that "if the Pope irritated him he would open the eyes of other princes, who were not so learned as he was, and did not know that the real power of the Pope was very small compared to that which he had tyrannically usurped," backing up his words with his customary threats.[2]

But even in his most violent bursts of passion his habitual prudence never deserted him. Excommunication he well knew would be the consequence of the step he was about to take. He doubted not that, as in times past, his subjects would be absolved from their allegiance to him, and some Catholic prince would be appointed to carry out the Pope's sentence and take possession of his kingdom. Against this danger he must be forearmed. The Emperor was so fully occupied with the Lutherans of Germany, and his heroic defence of Christendom against the Turks, that it would not be possible for

[1] Gairdner, *Calendar*, v. p. 526. (Chapuys to Charles V., July 29, 1532.)

[2] Ibid., p. 562. (Same to same, September 5, 1532.)

him to espouse the Pope's cause. Francis, the French king, however, he knew was not to be depended on when his own interest was in question. As he was, moreover, at this moment negotiating a very advantageous marriage for his second son with the Pope's niece, it was by no means impossible, that notwithstanding his constant warm professions of friendship, he might be tempted to take up arms against him. To guard against this contingency he proposed that an interview between himself and Francis, which had long been talked of, should take place in October at Calais.[1]

Yet another difficulty had to be removed. Ever since the Pope's prohibition to the English clergy to celebrate a second marriage between the King and Anne or any other woman, Warham had positively refused to disobey his Holiness. Dr. Edward Lee, who had been made Archbishop of York instead of Pole, on the understanding that he would celebrate the marriage, changed his mind after his consecration and now refused to do so.[2] Longland, Bishop of Lincoln, tried to persuade Warham to celebrate it, but the latter answered, that the King had come in person to persuade him to comply, but on no consideration whatever would he disobey the Pope.[3]

[1] Gairdner, *Calendar*, v. p. 521. (Du Bellay to Montmorency, July 21, 1532.)

[2] Ibid., vi. p. 83. (Chapuys to Charles V.)

[3] Ibid., v. p. 21. (Same to same, January 13, 1532.)

The Duke of Norfolk and the Earl of Wiltshire used every effort to bribe him or entangle him in some way or other into compliance. But he had been warned of their intention, and, being on his guard, they failed.[1] In despair of gaining their point by fair means, the adoption of violence was discussed, and Cromwell said plainly that Warham "ought to be hanged up so high that he could bless the world with his heels."[2]

Henry, however, was not yet prepared for this extremity. He preferred another course, characteristic of his notions of law and justice. The doomed archbishop seems to have been accused of having incurred a *præmunire* fifteen years before by consecrating Henry Standish, Bishop of St. Asaph, before he had presented his bulls to the King, and done homage for the temporalities. Warham drew up a very able speech to be delivered before the Lords in his defence. He denied that archbishops had ever been bound to defer consecration till the bishop elect had exhibited his bulls to the King. This very point, indeed, was one of the articles which Henry II. had tried in vain to extort from St. Thomas, and which Henry II. himself had afterwards given up. Warham declared he would rather

[1] Gairdner, *Calendar*, v. p. 381. (Chapuys to Charles V., February 14, 1532.)

[2] Harpsfield, *The Pretended Divorce*, p. 178.

be hewn in pieces than allow this article, which St. Thomas had rejected, to be a *præmunire*. Nor would he give sureties for his personal appearance, as neither St. Thomas nor any other Archbishop of Canterbury had ever been compelled to do so. He also reminded the Lords of what had befallen those who drew their swords on St. Thomas, and declared that whoever laid hands on a bishop and imprisoned him, was accursed and could be absolved only by the Pope, except in *articulo mortis*, and that the diocese in which a bishop was imprisoned and the two dioceses next adjoining were under an interdict.[1]

Warham, however, was never called on to deliver this defence. Its preparation was his last act. He was eighty years of age, and on 24th August 1532 he expired. His place was quickly filled by a man of another mind.

Thomas Cranmer was the son of a Nottinghamshire gentleman. He was a fellow of Jesus College, Cambridge, but vacated his fellowship by marrying. This, however, did not disqualify him from being a lecturer, which office he held in Buckingham College, now called Magdalen College. His wife dying within a year of his marriage, he was able, according to the custom in such cases, to retain his fellowship.

[1] Gairdner, *Calendar*, v. p. 541. (Draft of the speech.)

Some years after this, he happened to meet at Waltham, Gardiner, who was in attendance on the King, and was returning with him from the progress during which Henry had had his last meeting with Wolsey. Their conversation naturally turned on the divorce, and Cranmer said that the King, instead of carrying on a long and fruitless negotiation at Rome, ought to consult the Universities and most learned men of Christendom. If they approved of his marriage with Katherine, his conscience would be free. But if they condemned it, the Pope could scarcely resist the united voice of Christendom. Should he, however, do so, the King ought to act upon the opinion of the Universities in spite of the Pope's displeasure. When this advice was brought to the King's notice he at once sent for Cranmer, who from this time stood high in his favour.[1] He became chaplain to Anne's father, the Earl of Wiltshire, and accompanied him on his embassy to the Pope at Bologna.

[1] The haste of the King is remarkable. Usually he was not in any hurry to fill up vacant sees; but within a month of Warham's death Cranmer had been sent for "in post that I should come over," as the archbishop subsequently said at his examination before Broke (Cranmer's *Works*, ed. Parker Society, ii. p. 216). That there was probably some bargain seems to have been the common belief, to which Broke at this examination gave expression (ibid., p. 217). Sander (*The Anglican Schism*, ed. Lewis, p. 87) says that the archbishopric was first offered to Reginald Pole, on condition that he would "further the divorce with all his might." Pole, however, refused.

He was also employed to get the opinions of the Universities. At the time of Warham's death he was ambassador at the Emperor's court. In the course of his journeys he had contracted, notwithstanding his priestly vows, a so-called marriage with the niece of his friend the Lutheran pastor of Nuremberg, Osiander.[1] But he was chiefly remarkable for the versatility with which he became the tool of all who were in power, and was now designated, at a bound, to fill the highest dignity of the English Church, and to become, after the King, the greatest person in England.

Many months, however, must elapse before Cranmer could receive his bulls from Rome, and be consecrated, and meanwhile the proceedings before the Pope might have been concluded. Henry therefore conceived the idea of being married to Anne at Calais before Francis, thinking by this means to silence the public voice, both of his own subjects and of Europe. A hint was given

[1] The fact of Cranmer's marriage presents two difficulties. The law of the Church and also of England not only forbade clergy to marry; but disqualified any man who, however lawfully, had been twice married from being ordained priest or consecrated bishop. Cranmer, in submitting to consecration, must have known the risks he ran in thus deliberately violating the law. Nor can it be supposed that Henry was ignorant of the fact that the archbishop had thus put himself in danger of the law. It seems not improbable, therefore, that Cranmer, having put himself into the King's power, Henry determined to use him to further his ends. Cf. Stevenson, *Cranmer and Anne Boleyn*, pp. 12–15.

to the French ambassador that an invitation from Francis for Anne to accompany Henry to Calais would be very acceptable, and that the Queen of Navarre, and some ladies of the court, might accompany Francis to Boulogne. The invitation from Francis accordingly came.[1]

In anticipation of this visit Anne was created, on the 1st September, Marchioness of Pembroke, with an annuity of £1000, and lands of the same value, which were settled on her and her male heirs, whether legitimate or illegitimate. This peculiar clause evidently seems to point to the possibility, even at this late date, of Henry's never marrying her, or of his hereafter finding it convenient to disown the marriage.[2] Preparations for the visit to Calais were made on a magnificent scale. Henry was fully engrossed in them, and talked of nothing else. Not content with giving Anne his own jewels, he sent the Duke of Norfolk to borrow the Queen's. Katherine answered that she could not send her jewels or anything else to him, as the King had forbidden her to part with them; it was, moreover, against her conscience to give her jewels to adorn a person who was the scandal of Christendom, and a disgrace to the King. But if the King sent expressly to ask for

[1] Gairdner, *Calendar*, v. pp. 521, 571.
[2] Lingard, *History of England*, 3rd ed., vi. p. 250.

them, she would obey him in this as in other things. The King took her at her word, and sent for them by a gentleman of his chamber, who had letters also to her chancellor and her chamberlain.[1] They were given to him at once, and were never returned to the Queen.[2]

Anne made no secret of the fact that she expected to be married at Calais. People, however, were unwilling to believe that the King would really marry a person of her damaged character, and a report was spread that the King had made the settlement of lands on Anne because he was going to send her away, and to marry the Princess Magdalen, daughter of Francis, at Calais.[3] The expedition was most unpopular among all classes. The Council, and especially the Duke of Suffolk, spoke so plainly to the King that he insulted the Duke several times. The nobles who were obliged to accompany Henry did so most unwillingly, and the people talked of it savagely.[4]

The King sailed from Dover to Calais on 11th October 1532. On Monday 21st, the two monarchs met at Sandyngfelde, between Calais and

[1] Gairdner, *Calendar*, v. p. 591. (Chapuys to Charles V., October 1, 1532.)

[2] Ibid., vi. pp. 66, 180.

[3] Ibid., v. p. 545. (Chapuys to Charles V., August 26, 1532.) Cf. p. 616.

[4] Ibid., pp. 546, 563.

Boulogne, and went together to Boulogne, where Henry was the guest of the French king till the following Friday. On that day they both came to Calais, and Francis was Henry's guest till Tuesday the 29th. All the arrangements were splendid, and the interview seemed to have passed off successfully.[1] But Henry's hopes were disappointed on the main business on which he had set his heart.

The Queen of Navarre and the ladies of the French court had too much self-respect to meet Anne, and the slight was the more pointed because the Queen had formerly known her. She had, however, the consolation of being attended by twenty maids of honour, of being dressed like a queen, and of being accompanied by the King to Mass as if she really was his wife.[2] But only on the last evening of Francis' visit to Calais did she take any real part in the festivities. After supper, at the head of a number of English ladies, all of them masked, she danced into the hall where the kings were sitting. Francis joined the dance, choosing her for his partner, and after a time they took off their masks and the dancing continued for an hour longer. The following morning Francis sent her by the Provost of Paris a diamond worth 15,000 or 16,000 crowns.

[1] Gairdner, *Calendar*, p. 623.
[2] Rawdon Brown, *Venetian State Papers*, iv. pp. 361, 365.

The French king, however, would not allow the marriage to take place in his presence. For though he was willing to dance and amuse himself with Anne, he was not prepared to insult the Emperor and his own wife by putting her in their aunt's place as queen, or to outrage the Catholic spirit of his own subjects by defying the Pope.[1]

He also refused to join Henry in throwing off the authority of the Pope. But he spared no effort to reconcile Henry with his Holiness. He had already asked the hand of the Pope's niece for his second son, in order to prevent her marrying the King of Scotland, or any Italian prince who was in alliance with the Emperor, though he pretended he would rather burn his son than give him to one of such low birth, were it not to advance Henry's cause.[2] It was now agreed between him and Henry that the negotiation for the marriage should be proceeded with in earnest, and that his Holiness should be invited to come to France to conclude it. Henry, on his part, promised that he would either join them in person or send the first nobleman of his kingdom to represent him, and meanwhile, that he would not take any further step which might widen the breach between him and the Pope.[3]

[1] Gairdner, *Calendar*, v., Preface, p. xxviii.
[2] *State Papers* (ed. 1849), vii. p. 276.
[3] Gairdner, *ut sup.*, vi. p. 569, 639.

Henry intended to return home so as to be at Canterbury on November the 8th; but the weather was stormy, and he was detained at Calais till the 14th, on which day he crossed to Dover. The news of his arrival reached London on the following day. As great anxiety had been felt for his safety, and many prayers had been offered for him,[1] a "*Te Deum*" was sung at St. Paul's on the 16th, in presence of the Council and the Lord Mayor. The King stayed a few days in Dover and the neighbourhood, under pretence of a consultation about the construction of the harbours; but really, as was said at the time, to have an excuse for extorting money for the expenses of his late journey. As the plague was now in London, he loitered on the way thither, and reached Eltham only on the 24th, and Greenwich on the 26th of November.

Meanwhile the Pope had sent Gregory Casale to England to request Henry to send a proxy to his ambassadors, and to leave Anne, and restore the Queen to her position. He had heard that the Parliament would meet in October and was likely to pass bills throwing off his authority. He therefore wrote to the King admonishing him not to take such a step, and also to the prelates, ordering them to refuse their consent.[2]

[1] Gairdner, *ut sup.*, v. p. 652. [2] Ibid., pp. 561, 573.

Notwithstanding this, when the vacation expired, and the cause was reopened in the Rota, no proxy from Henry had arrived. His ambassadors made various excuses to waste time, but the Pope insisted that the cause must go on.[1] He confirmed by a papal decree the decision of the Consistory against the admission of the excusator. But he refused to give sentence on the principal cause, in default of Henry's appearance in person or by proxy, because, knowing that schism would infallibly be the result of this final and irrevocable step, he wished before he took it, to make a last effort to touch Henry's conscience, by publishing the formal admonitory Brief, with conditional excommunication, of which he had given him warning in his private admonition some months earlier. Moreover, as Henry had decreed severe penalties against all who should bring such a document into England, this Brief would have to be published in the Emperor's dominions, and therefore the Pope must previously communicate his intention to that prince.

In this Brief the Pope began by expressing his grief at the change in one who till within the last two years had been an obedient son to him and the Holy See, and his own unalterable affection for

[1] Gairdner, *Calendar*, v. p. 646. (Dr. Ortiz to the Empress, November 10, 1532.)

him. Then, after recounting the proceedings of the last four years and repeating his own letter of the preceding January, he admonished him, on pain of excommunication, to take back Katherine and send Anne away within one month from the presentation of this Brief. And finally, he forbade him to divorce himself from Katherine by his own authority and marry Anne or any other woman, and declared that any such form of marriage would be invalid.

This Brief was dated at Rome on November the 15th, 1532, but after the Pope had met the Emperor at Bologna,[1] a second date, December the 23rd, was affixed to it.[2] Even then it was not to be made public till the nuncio had informed Henry.[3] This the nuncio did about the middle of January 1533,[4] after which it was published at Dunkirk on the 21st, and at Bruges on the 23rd.[5]

Thus the preparations for the crisis were completed on both sides.

[1] Gairdner, *up sup.*
[2] Ibid., p. 649. (Clement VII. to Henry VIII.)
[3] Ibid., 657. (Dr. Ortiz to the Empress, November 21, 1532.)
[4] Ibid., vi. p. 35. (Chapuys to Charles V., January 27, 1533.)
[5] Pocock, *Records of the Reformation*, ii. p. 384.

CHAPTER XXV.

THE CRISIS.

THE Pope's last attempt to touch Henry's conscience proved abortive. Scarcely had the Brief been published than an unforeseen event hurried on the crisis. Anne held out hopes of an heir to the throne, and further delay was in Henry's opinion impossible.[1] He consequently told Rowland Lee, one of his chaplains, that he had got a license from the Pope to marry another wife, but to avoid disturbance he wished the ceremony to take place very secretly, and he ordered him to meet him in a certain room of York Place very early in the morning of January the 25th, 1533.

On arriving, Lee found the King and Anne, Mr. Norris and Mr. Heneage, grooms of the Privy Chamber, and Anne's train-bearer, Mrs. Savage, assembled, and everything prepared for Mass and the solemnisation of the marriage. Having great scruples about his responsibility, Lee said to the King, "Sire, I trust you have the Pope's license

[1] *Archæologia*, xviii. p. 81. (Letter of Archbishop Cranmer.)

that you may marry, and that I may join you together in marriage." The King answered, "What else?" Lee then turned to the altar and vested. But not yet satisfied, he turned again in great trouble to the King and said, "This matter touches us all very nigh, and therefore it is expedient that the license be read before us all, or else we all run into excommunication, and I deeper than any one else, for marrying your Grace without any banns being asked, and while no divorce of the other marriage has yet been promulgated." The King, "looking upon him very amiably," answered, "Why, Master Rowland, think you me a man of so small faith and credit, you that do well know my life past and even now have heard my confession, or think you me a man of so small foresight and consideration that unless all things were safe and sure I would enterprise this matter? I have truly a license, but it is reposed in another surer place where no man resorteth but myself, which if it were seen would discharge us all. But if I should, now that it waxes towards day, fetch it and be seen so early abroad, there would arise a rumour and talk thereof other than were convenient. Go forth in God's name and do that which appertaineth to you. I will take all other danger upon myself." Hereupon Lee said Mass and solemnised the marriage ceremony.[1]

[1] Harpsfield, *The Pretended Divorce*, pp. 234, 235. Le Grand,

The secret was so well kept that even Cranmer was not aware of it till a fortnight later.[1] But Chapuys penetrated the mystery, and wrote on February the 23rd that it had taken place on the "Feast of the Conversion of St. Paul," *i.e.*, January the 25th, 1533.[2] In March Lord Rochford was sent to inform Francis of the event.[3] But it was still to be kept a secret till the Pope should have granted Cranmer's Bulls as Archbishop of Canterbury, which involved the papal legatine power.

The concurrent contemporary evidence of Chapuys and of Cranmer, who says the marriage was solemnised "about St. Paul's Day," excludes all doubts as to its date. But as Elizabeth was born within eight months, the date of the marriage was purposely falsified and said to be November the 14th.[4]

Meanwhile, in order to keep on good terms with

Histoire du Divorce, ii. p. 110, gives much the same account from a Latin MS. of the history of the divorce presented to Philip and Mary. In this no date is given. Sanders (ed. Lewis, p. 93) has a similar account, but like Hall (p. 794) assigns the secret marriage to November the 14th. It is shown later that this date is certainly wrong.

[1] *Archæologia*, xviii. p. 81.

[2] Gairdner, *Calendar*, vi. p. 83.

[3] Ibid., p. 103. (Instructions for Lord Rochford.)

[4] Burnet, *History of the Reformation* (ed. Pocock), iii. p. 156. Some later writers have thus been led to adopt this incorrect date. But on November 14 Henry and Anne were crossing from Calais to Dover, and it was impossible that a secret marriage could then have taken place. By a curious coincidence the false date, November 14, was really the wedding day of Katherine and Prince Arthur.

the Pope till Cranmer's Bulls were granted, Gregory Casale was ordered to renew the old proposal that the cause should be tried in some neutral place by neutral judges, though in the course of the negotiations it came out that only places and persons under Francis' power would be considered neutral.[1] Also, in order to overawe the bishops, who were expected by Henry to oppose him in Parliament, and to remove the popular impression that he was about to be excommunicated, the King caught at every excuse to summon the nuncio to court, where he received him with great show of honour, and managed so as to be seen with him in public, even taking him twice to Parliament, where he sat him on his right hand.[2] A report also was spread that Henry had come to a secret understanding with the Pope,[3] and that his Holiness and the Emperor had consented to his marriage with Anne.[4] But in private conversations with Chapuys the King could not always control himself sufficiently to keep up this farce. In the heat of argument he would openly declare his determination to throw off the feudal allegiance which England owed to the Pope, and to reunite to the crown the property which

[1] Gairdner, *Calendar*, vi. pp. 36, 40. It is evident that the real object was to gain time. Cf. pp. 49, 64.

[2] Ibid., pp. 62, 63, 73.

[3] Ibid., p. 35. (Chapuys to Charles V., January 27, p. 1533.)

[4] Ibid., p. 74.

the Church held of it, and which his predecessors had had no right to alienate to his prejudice.[1]

Steps, too, were taken to prepare the nation for the coming event. Anne frequently said "she felt it as sure as death that the King would marry her shortly." Her father told the Earl of Rutland that his Majesty would not be so dilatory as he had hitherto been, but would complete the marriage by authority of Parliament. When the Earl replied that the affair was spiritual and could not be decided in Parliament, the other attacked him with such abusive language, "as if he had uttered some great blasphemy," that the Earl was compelled to promise that he would do whatever the King wished. He sent word, however, immediately to Chapuys of what was intended, in the hope of his finding some remedy, for he feared that no one in Parliament would dare to contradict the King.[2]

On St. Mathias' Day, the 24th February, the King dined with Anne in her chamber, which was richly ornamented with tapestry and "the most beautiful sideboard of gold that ever was seen." She sat on his right hand and the old Duchess of Norfolk on his left, while the Duke of Suffolk and the rest of the peers and peeresses were at a transverse

[1] Gairdner, *Calendar*, vi. p. 109. (Chapuys to Charles V., March 15, 1533.)

[2] Ibid., p. 74. (Same to same.)

table below. During dinner the King was in great spirits and talked so fast as to be scarcely intelligible. He was heard, however, to say to the Duchess of Norfolk, "Has not the Marchioness got a grand 'dote' and a rich marriage, as all that we see and the rest of the plate belong to her?"[1]

Early in March a priest preached before the King and Anne, that the King had long lived in adultery with the Queen, and that all his good subjects ought to pray God to forgive him and enlighten him to take another wife without regarding the censures of the Pope, who ought not to be obeyed in this matter because he ordered what was contrary to God's law and reason. He added, that it would be no wonder if, like Saul and David, the King took a wife of humble condition in consideration of her personal merits.[2]

[1] Gairdner, *Calendar*, vi. p. 97. (March 8, 1533.)
[2] Ibid., p. 107. (Chapuys to Charles V., March 15, 1533.)

CHAPTER XXVI.

THE SCHISM.

THE usual payments in the Papal Court for annates and fees, on granting Bulls to an archbishop of Canterbury, amounted to £5000. But Henry ordered his ambassador to notify that if these charges were not greatly reduced, the King would at once give his consent to the bill forbidding the payment of annates lately passed in Parliament, and deprive the Papal Court of them for ever. By this expedient he obtained the Bulls for the new archbishop for £1000, which sum he advanced to Cranmer as a loan.[1]

As soon as Henry knew for certain that the Bulls had been granted, he took the first definitive step towards the separation of his kingdom from Catholic unity. In the middle of March a bill was brought into Parliament declaring that the Pope had no authority in England, that appeals were not to be made to Rome under pain of *præmunire*, that all testamentary, matrimonial, and other

[1] Gairdner, *Calendar*, vi. pp. 40, 56, 81.

spiritual suits were to be judged within the realm with appeal to the bishops and the archbishop of Canterbury, and that under the penalty of one year's imprisonment, and a fine at the King's pleasure, the clergy were to continue to minister the sacraments and service of the Church in spite of any censure or interdict pronounced by the Pope.[1] The bill met with no opposition in the House of Lords. But the Commons refused to consent to anything against the authority of the Pope, alleging among other reasons that Christian princes would look on them as schismatics and interrupt their trade in wool, which was the one thing that supported the nation, and that the consequence would be a rebellion even worse than a civil war. But after strong resistance they were compelled to yield, and even to add the further proviso that if any one brought a Bull of excommunication into the kingdom he should be dealt with as a traitor and put to death without further trial. It was understood that this last clause was aimed at the Queen. So strong was the feeling against the rupture with the Pope, that some of the members offered the King £200,000 if he would refer the marriage cause to a General Council instead of concluding it at home.[2]

[1] Pocock, *Records*, ii. p. 460.
[2] Gairdner, *Calendar*, vi. pp. 110, 128, 149.

On the arrival of Cranmer's Bulls in England, he was consecrated on the 30th of March, which that year (1533) fell on Passion Sunday. Most persons would have felt a difficulty about the consecration, because the archbishop elect would be required to swear obedience to the Pope, whereas the condition of Cranmer's appointment was that he should throw off the Pope's authority. But Cranmer had no scruples on the subject. Immediately before the ceremony began, he called four witnesses into the Chapter House of Westminster, and in their presence declared before a notary, that he did not intend to bind himself by the oath of obedience to the Pope to do anything which should appear to him contrary to the law of God, the King's prerogative, or the statutes of the realm. From the Chapter House he proceeded to the steps of the High Altar, accompanied by the above witnesses, and when, in the course of consecration, he knelt down to take the usual oath of obedience to the Pope, he repeated the foregoing protest, and immediately after took the oath. Finally, after his consecration, as though to make up by its frequency for its absence of publicity, just before receiving the pallium he repeated for the third time the protest before his witnesses, and immediately after again swore obedience to the Pope.

After his consecration he took the oath to the

King for the temporalities of his see, but varying it so as to acknowledging himself "to take and hold the said archbishopric immediately and only" of Henry "and of none other."[1]

Everything was now secured for dissolving the marriage with Katherine, and there was no further delay in carrying out the King's intention. Convocation had met on March 26, 1533, and though Cranmer was not then able to take his place, he divided the members into two classes, theologians and canonists, and submitted to them respectively the following questions. To the theologians was proposed the question, "Whether marriage with a deceased brother's wife was contrary to natural and divine law, so that the Pope could not dispense from it?" The canonists were asked, "Whether the proofs that Katherine's marriage to Prince Arthur had been consummated, were sufficient?" These questions were discussed for several days. But the King was so urgent for their immediate decision that no one dared to speak against them except the bishop of Rochester. On Saturday the 5th of April, the votes on both questions were taken in Cranmer's presence. The bishops of Rochester and Llandaff, and seventeen other theologians, voted that the marriage in question was not against natural and divine law, and that the

[1] Gairdner, *Calendar*, vi. p. 127.

Pope could dispense; and the bishop of Bath and five canonists voted that the proofs that Katherine's marriage had been consummated were insufficient. But these twenty-five independent voters were powerless against the overwhelming majority of two hundred and fifty-three theologians and forty canonists who bowed before the King's will.[1] In the following May, notwithstanding the strongest opposition from Tunstall, bishop of Durham, similar decisions were obtained from the Convocation of York, only two theologians and two canonists voting against the King.[2]

On Palm Sunday, the day after the Convocation of Canterbury had arrived at its decision, the bishop of Rochester was arrested and committed to the charge of Gardiner, bishop of Winchester. The King gave out in Parliament that this was because he had insinuated that Lord Rochford had taken a large sum of money to France, to bribe the Pope to ratify the King's proposed marriage, or at least to overlook it. But it was well known that the true reason was his defence of the Queen in Convocation.[3] He was kept under arrest till the 13th of June, when he was set at liberty at Cromwell's intercession. Tunstall, too, would have been im-

[1] Pocock, *Records*, ii. p. 747.

[2] Wilkins, *Concilia*, iii. p. 765.

[3] Gairdner, *Calendar*, vi. p. 150. (Chapuys to Charles V., April 10, 1533.)

prisoned, had not his services on the border been too valuable to be dispensed with.[1]

On Wednesday, the 9th of April, the Duke of Norfolk and the Marquis of Dorset were sent to tell the Queen that she need not trouble herself any more about the suit, and must not return to the King, because two months before he had married Anne in the presence of several witnesses, and that henceforth she must not take the title of Queen, but that of Princess-Dowager. After their departure, Lord Mountjoy, her chamberlain, who had been ordered about a week before to keep a watch on her, told her that after one month from Easter, the King would no longer pay her expenses or the wages of her servants, and that she must retire to one of the houses settled on her by Prince Arthur, and live on a small income which would not suffice for her household for three months. She answered that as long as she lived she would call herself Queen. And that if the King objected to the expense of her allowance, she would be contented with what she had, and with her confessor, physician, apothecary, and two women, would go wherever he wished. If food for herself and servants failed her, she would go and beg for the love of God.[2]

[1] Gairdner, *Calendar*, vi. p. 296. (Chapuys to Charles V., June 16, 1533.)

[2] Ibid., pp. 150, 167. (Same to same.)

On Holy Saturday, April the 12th, Anne, dressed in a robe of cloth of gold, and loaded with jewels, went to Mass with the King in royal state. She was attended by sixty young ladies, and the Duke of Norfolk's daughter carried her train. She was received in church with even more ceremonial than was generally used to the Queen, and took the Queen's place, and prayers were offered up for her as Queen Anne. The King insisted that all the persons about Court should pay their respects to her as the new queen, and he carefully watched their countenances as they did so.[1]

People who were independent of the Court, however, openly showed their displeasure at the marriage. On Easter Sunday, Dr. Brown, prior of the Augustinians, having recommended the congregation in his sermon to pray for Queen Anne, almost every one instantly left the church, murmuring and looking displeased, without waiting for the rest of the sermon. The King was greatly angered, and sent word to the Lord Mayor to arrange that nothing of the kind happened again, and that no one was so bold as to murmur at his marriage. The Mayor assembled the trade guilds, and commanded them on pain of the King's displeasure not to murmur at the royal marriage, and to prevent their

[1] Gairdner, *Calendar*, vi. p. 167. (Chapuys to Charles V., April 16, 1533.)

apprentices, and, what was more difficult, their wives, from doing so. But such prohibitions only irritated the people and made them speak more bitterly in private.[1] There was also a general feeling of alarm among the merchants trading with Flanders, and crowds of people went every day to inquire of Chapuy's servants and neighbours, whether the ambassador had been recalled, or whether the Emperor had consented to the new marriage.[2]

On the 23rd of April, the King again sent Katherine a message to inform her of his marriage and forbid her to take the title of Queen. In order to break her spirit, he also forbade the Princess Mary either to write to her or send her any message. And though the Princess begged him to send some one to look at her letters, and see that she only told her mother how she was, her request was refused. The Queen was at first distressed on hearing that the marriage with Anne was made public; but she soon recovered herself, and concealed her feelings. Suddenly after dinner, however, she went away, and without saying a word to any one, wrote a letter to the King, and when the royal messengers asked for an answer, she referred them to her letter without saying another word. Its contents are not known, but on reading it the King praised her prudence.[3]

[1] Gairdner, *Calendar*, p. 179. (Chapuys to Charles V.)
[2] Ibid., p. 167. (Same to same.) [3] Ibid., p. 179.

The next step was for Henry to annul his marriage with Katherine, for till this was done she was legally his wife and Queen. Cranmer, therefore, went through the form of writing to Henry to suggest that the divorce case should be heard in his archiepiscopal court. Old habits of thought, however, still clung unconsciously to him. He had been accustomed to think that an archbishop possessed independent authority, and he had not yet quite forgotten that an archbishop had only the power to inquire into the validity of a marriage, and that the final sentence rested with the Pope. But wishing to accommodate himself to the new order of things, he wrote humbly to ask the King's pleasure before he proceeded, as it was his kingly office and duty now to direct and order this spiritual cause. But humble as was this letter, Henry seems to have been dissatisfied with it, and Cranmer was obliged to write a second time in a still more humble strain. He had asked to know the "King's pleasure," but he was now required to ask his "licence," without which it was implied he could not exercise his spiritual office. He had proposed to "direct and order" the cause, but by the King's licence he was empowered and commanded to proceed to its examination, final determination, and judgment. Lest it should be supposed that this definition of his altered position applied only to himself individually,

he was required to say that such was not *his* office and duty, as he had said before, but that of the archbishop of Canterbury. Finally, he had formerly asked pardon for his boldness "on his knees," but now he wrote "prostrate at the feet of his Majesty."[1] Henry's answer to this humble petition threw further light on the relative positions of King and archbishop. The King declared that he recognised no superior on earth but only God, and was not subject to the laws of any earthly creature, and that Cranmer being, by God's calling and his, the principal minister of his (Henry's spiritual jurisdiction, he gave him licence to proceed to the examination and final determination of his cause.[2]

On Thursday the 8th of May, 1533, Cranmer went to Dunstable to hold a court for the trial of the cause, and Katherine, who was staying at Ampthill, a few miles distant, was cited to appear before him on the following Saturday. Care was taken, however, to prevent her knowing that sentence was about to be given, lest in spite of the late statute she should appeal to the Pope and cause delay.[3] She did not in reality intend to appeal, as she would have thereby acknowledged the archbishop's authority. She was

[1] *State Papers* (ed. 1816), i. pp. 390, 391.

[2] Ibid., p. 393.

[3] Gairdner, *Calendar*, vi. p. 219. (Cranmer to Cromwell, May 17, 1533.)

also aware that the King would have been only too glad if she had infringed the late statute, and thus give him an opportunity of compelling the peers to condemn her under its provisions. For these reasons she preferred to rest on the Pope's prohibition of all proceedings in England, and to ignore the court.[1]

On Saturday, the 10th of May 1533, when the court was opened, Katherine was cited. As she did not answer the summons, she was declared contumacious, and was cited to appear on the following Monday, the 12th. On Monday she again failed to answer the second citation, and was therefore pronounced "verily and manifestly contumacious." She was then cited for the third time to appear on the following Saturday, the 17th, after which the court proceeded in her absence to hear evidence on the King's behalf. On Saturday she once more failed, of course, to appear, and on the following Friday, the 23rd, being the Friday after Ascension, sentence was given declaring the marriage between her and Henry null and invalid. The King himself dictated the form of the sentence. Cranmer now went through the further form of writing a letter to Henry, as had previously been agreed between them, exhorting him with due solemnity to submit to the

[1] Gairdner, *Calendar*, vi. p. 207. (Chapuys to Charles V., May 10, 1533.)

law of God and separate from the Queen, and thus to avoid the censures of the Church, with which he threatened him unless he did so.[1]

A further sentence had to be given by the court to confirm the marriage with Anne. As the proceedings were in secret, it is not known what evidence was brought forward to prove the fact, nor under what circumstances the marriage was stated to have taken place. But on Wednesday, May the 28th, the sentence was delivered at Lambeth before a few select witnesses, the principal of whom was Cromwell, declaring that Henry's marriage with Anne was valid.[2]

On the following day, Thursday the 29th, Anne came from Greenwich in the Queen's barge, and wearing the jewels which she obtained a few months before from Queen Katherine. She was attended with the same ceremony that it was the custom to show to queens, and on her arrival at the Tower, the King received her in great state. Crowds assembled to gaze at the spectacle, but all looked as grave as if it had been a funeral.[3]

On the following Saturday she was conducted to Westminster, accompanied by a magnificent procession of the principal nobility and London

[1] Wilkins, *Concilia*, iii. p. 759. Gairdner, *Calendar*, vi. p. 230, *seqq.*
[2] Gairdner, *Calendar*, vi. p. 330.
[3] Ibid., p. 244.

merchants, and on Sunday she was crowned in Westminster Abbey. After the coronation she presided at a banquet in Westminster Hall. The whole ceremony was carried out with extraordinary splendour, and in order to bring her personally before the nation with specially distinctive honour, the King absented himself and only looked on at what was done without being himself seen. Among the great nobility the Duchess of Norfolk alone refused to be present at the ceremony. Her absence was the more marked because, not only was the Duke Anne's uncle, but she herself, being a daughter of the late Duke of Buckingham, was closely related to the King. But her friendship with Queen Katherine and her bold advocacy of her cause were so notorious that no one was surprised.

The absence of all enthusiasm in the bystanders was most marked. The men refused to uncover, and no one, not even the women and children, could be persuaded to kneel and cry, "God save the King," "God save the Queen," as was customary on such occasions. The assembled crowd only laughed and ridiculed the show. One of Anne's attendants told the Lord Mayor to order the people to cheer as usual. But the Lord Mayor answered, "He could not command people's hearts, and even the King could not do so." The French ambas-

sador and his suite, being looked on as Anne's friends, were insulted by the people and called "French dogs" and other opprobrious names.[1] The whole pageant was cold and heartless, and both the common people and the upper classes showed that they were gravely distressed. Jousts were held the next day, but as no one attended except those who were ordered to do so, they too were voted shameful and beggarly.[2] For several months past the nation had been dreading a sentence of excommunication against Henry, and this ostentatious display of disobedience to the Pope naturally added to the general alarm.

Henry felt that so long as Katherine retained the title of Queen a doubt was thrown on his marriage with Anne. At the end of June his Council, by his order, sent for Chapuys and told him that as Henry had by the "declaration of the Church" taken a lawful wife, and had her crowned as queen, and as there could not properly be two queens, he intended Katherine henceforth to give up that title, and he would reduce her allowance accordingly. But considering her virtue and her high parentage, he would treat her honourably as Chapuys would advise. Chapuys answered courteously but boldly that the Council knew well enough that what the

[1] Gairdner, *Calendar*, vi. pp. 264, 266.
[2] Ibid., pp. 263, 295, 453.

King and the archbishop of Canterbury had done could not prejudice the Queen's right, which depended on the sentence of the Pope, who was the sole competent judge. As to his advice, he suggested that as the King acknowledged she had once been a lawful queen, and that the princess was born in lawful wedlock, and she had done nothing to forfeit such a name, she should retain the title, just as the Duchess of Suffolk was commonly called Queen of France, and Henry King of France, without the King of France being offended. As to her treatment, his advice was superfluous, for no one could know better than the King how a royal person ought to be treated.[1]

Henry, however, had made up his mind on the subject. He had gone through the form of consulting Chapuys only out of courtesy to the Emperor. Five days later Lord Mountjoy, Katherine's chamberlain, and several other gentlemen of her household, were again sent to her at Ampthill, to tell her in the King's name that she must henceforth bear the title of Dowager-Princess of Wales, and that her income would be diminished accordingly.

On Thursday, July the 3rd, they were admitted to an audience. They found her lying on a pallet, as she had pricked her foot with a pin, and could not stand.

[1] Gairdner, *Calendar*, vi. p. 319. (Chapuys to Charles V., June 28, 1533.)

She was also suffering greatly from a cough. She was surrounded by all her servants, that they might hear all that passed. When Lord Mountjoy and his companions addressed her by the title of Princess-Dowager she interrupted them, saying that she was not Princess-Dowager but the Queen, and the King's lawful wife, and all her children were legitimate, which she would persist in claiming to be true so long as she lived. In answer to their declaration that the King's recent marriage was supported by the opinions of the Universities, the Lords spiritual and temporal, and the Commons of the realm, she said that the opinions of the Universities had been obtained by bribes, and that she had the opinions of many more in her favour, and though the King might do what he chose in his realm, her cause did not depend on any authority within the realm but on the Pope, who was God's Vicar and Judge on earth. They accused her of obstinacy and vainglory. But she declared that she acted only for conscience' sake, as otherwise she would lose her soul. They reproached her with disobedience to the King. But she said she would rather disobey him than God, and damn her soul. They tried to influence her by promises of good treatment if she obeyed, and by the suggestion of the discomforts and dangers she would otherwise incur. But to all such considerations she was deaf, and she was equally unmoved by the

threats of the danger to which she exposed her daughter and her servants, replying that neither for her daughter, her servants, worldly possessions, advantage or displeasure, would she yield on this point and endanger her soul. She protested she would never accept service from anybody, nor answer any one who addressed her as Princess-Dowager, and she called on all present to bear witness that she would never relinquish the title of Queen till sentence was given against her by the Pope according to God's laws.[1]

The next day Lord Mountjoy and his companions waited on her to show her the report they had drawn up of the interview on the preceding day. On looking over it, she crossed out the title Princess-Dowager wherever it occurred. She repeated much the same arguments as before, and pointed out how the King had only asked to have the matter tried in an indifferent place and by indifferent persons. But now by some subtle means it had been tried in his own kingdom, which was a place most partial, seeing he had taken upon himself the whole government as the supreme head of the Church with more authority than the Pope himself, and by a judge who was a man of his own making, and she believed that hell itself would have been a more indifferent place, for she felt sure the devils themselves must tremble

[1] Gairdner, *Calendar*, vi. pp. 339, 355.

to see the truth so oppressed as it was in this case. Finally, Lord Mountjoy told her it was the King's pleasure she should remove, and what places were appointed for her to go to. She answered she was ready to go wherever the King ordered, provided it was not to a house which would be prejudicial to her cause—that is to say, some house which had been settled on her by Prince Arthur as Princess-Dowager, and where her residence might be taken to imply that she had accepted that title.[1]

As soon as Henry understood that the Queen would not submit to his orders, he caused a proclamation to be printed and published through the city by sound of trumpets, forbidding all persons under pain of *præmunire* to give her the title of Queen, or any other title than that of Princess-Dowager of Wales; but adding, it was the King's pleasure that under the latter title she should be well used, obeyed, and treated according to her honour and parentage.[2]

The members of her household, who had taken his message to her, were summoned to Court. Cromwell thanked them on the King's behalf for the good service they had done, and desired them to wait awhile for further orders in the matter.

[1] Gairdner, *Calendar*, vi. p. 341. (The Report of Lord Mountjoy and others.)

[2] Ibid., p. 356. (Chapuys to Charles V., July 11, 1533.)

But even Cromwell could not refrain from saying to them, "it was impossible" to make a more virtuous and prudent answer than the Queen had done, and it was very unfortunate that she should not have had male issue, for she had surpassed in glory and reputation nearly all the princes treated of in histories.[1]

Shortly afterwards Henry ordered the unfortunate Katherine to go to the house of the bishop of Lincoln at Bugden, to which she had formerly objected. It was twenty miles from Ampthill, and as she passed along, all the neighbourhood assembled to see her and pay her honour. Though they had been forbidden to call her Queen, they shouted out this title at the top of their voices, wishing joy, repose, and prosperity to her and confusion to her enemies. They begged her with tears to set them to work and employ them in her service, protesting they were ready to die for love of her.[2]

[1] Gairdner, *ut sup.*
[2] Ibid., p. 396. (Chapuys to Charles V., July 30, 1533.)

CHAPTER XXVII.

THE EXCOMMUNICATION.

WHILE Henry was thus taking step after step to widen the breach between himself and the Pope, Francis was doing his utmost to draw them together. In accordance with his promises at Calais, he had sent the bishop of Tarbes and Cardinal Tournon to Bologna. They were instructed to help on Henry's affair by separating the Pope from the Emperor and negotiating a marriage between the Pope's niece, Catherine de' Medici, and the Duke of Orleans, Francis' second son. They succeeded so well that the French king had great hopes of bringing Henry's matter to a happy conclusion at an interview between himself and the Pope, which was arranged to take place at Nice in the following May.

Great then was his indignation when Lord Rochford informed him, in March, of Henry's secret marriage. He was the more annoyed because Henry not only pretended that he had taken this step in consequence of Francis' advice at Calais,

but urged him to join with England in throwing off obedience to the Holy See on the ground that he and all other kings and princes were insulted by Henry's citation to plead before the tribunal of the Pope—"an earthly creature whom God had made his subject," and "over whom he had given him the superiority." Henry also pressed Francis to write a very violent letter, of which he sent him a copy, peremptorily demanding that his Holiness should give sentence in Henry's favour, and threatening, if he would not do so, to break off the negotiations for his son's marriage.[1] Francis refused either to write this letter, or to break off the negotiations for the marriage, which he could not have done without dishonour, or to put off his interview with the Pope, the principal object of which, he insisted, was to serve Henry. But as he knew that were he to quarrel with the English king the latter would at once throw himself into the arms of the Emperor, he softened his refusal by assurances that he would prefer Henry's interest to everything else. He therefore ordered his ambassadors to represent to his Holiness how all Christian princes were insulted by his conduct to Henry, to entreat him once more not to take any step against the latter till after their meeting, and to remind him that Francis was so closely united

[1] Gairdner, *Calendar*, vi. p. 107. (Chapuys to Charles V.)

with Henry that he would consider any displeasure done to the King of England as if done to himself.[1]

The French and English ambassadors had no difficulty in persuading the Pope to defer the publication of the excommunication and interdict. Henry's zeal for the suppression of heresy afforded hope that he would not take any violent step against the Holy See, and so long as there was the faintest hope of his repentance the Pope felt himself bound to bear with him. Moreover, his Holiness feared that his spiritual authority would be exposed to contempt were he to publish a sentence against Henry at a moment when the Emperor was fully occupied with the Turks. For either he would not be able to enforce it, or, were he to attempt to do so, the alliance between Francis and Henry would throw the whole of Christendom into war, and thus open the way for a successful invasion by the Turks. He therefore readily promised, so far as justice and equity allowed, not to take any step against Henry till after his interview with the French king, and Francis renewed on Henry's behalf the promises to the same effect which the latter had already made.[2] The Pope, however,

[1] Gairdner, *Calendar*, vi. pp. 114, 115. (Francis I. to the French Cardinals, March 20, 1533.)

[2] Ibid., p. 333. (Instructions for an ambassador in France.)

refused to suspend proceedings in the divorce cause, beyond promising that nothing decisive should meanwhile be done.[1]

Early in May 1533 the Pope had letters from the nuncio in England mentioning that on Easter Eve Henry had publicly introduced Anne Boleyn as his queen, and had carried a bill through Parliament declaring that all spiritual causes were henceforth to be decided in the kingdom. The Pope was indignant. He complained that, while he was required not to take any step, Henry was taking fresh action every day. The Spanish ambassador urged him to give sentence at once, as he must now see that moderation was useless. He answered that before he did so he must know whether the Emperor would enforce his sentence. But the ambassador could only put him off with general assurances, for his master had given him to understand that he did not intend to sacrifice his secular interests in defence of the Church on what he pretended to consider only a private matter.[2]

The French ambassadors, on the other hand, renewed their entreaties to his Holiness to do nothing till after this interview with Francis. Cardinal Tournon explained in Consistory, that when his Holiness and the King of France met, the latter

[1] *State Papers* (ed. 1849), vii. pp. 456, 458, 464.
[2] Gairdner, *Calendar*, vi. pp. 203, 253–255.

would beg him not to proceed against the King of England, and the Pope would answer, that, as Henry had done such a base and disrespectful act, he must excommunicate and deprive him of his kingdom. Francis would then send this answer on to Henry and tell him that as he was excommunicated he could not keep his oath of friendship to him against the Church, and he believed Henry would then consent to appear before the Pope, if his Holiness fixed some place free from danger and suspicion, and would meanwhile separate from Anne and bring Katherine back to the palace. The Spanish ambassador objected to the uncertainty involved in this scheme. In fact, it was so evidently illusory, that a man of the Pope's acute intellect could scarcely have failed to estimate it at its true value. But the Emperor was satisfied with it. Accordingly he consented to defer proceedings till after the meeting with Francis. This interview had been put off from May till July the 15th; but Nice being unhealthy at that season, it was again deferred till August or September, and eventually it took place in October 1533, at Marseilles.[1]

The day after the Pope had obtained this promise, the news of Cranmer's proceedings at Dunstable reached Rome. The Pope's tone was now quite altered. He received Benet, the English ambassador,

[1] Gairdner, *Calendar*, vi. pp. 238, 276, 518.

very coldly, complained bitterly of Henry's proceedings in contempt of himself and the authority of the Holy See, and declared that to "tolerate them was too much against his duty to God and the world."[1] Francis afterwards said to Gardiner, that had the Pope now been silent he would thereby have confessed himself no Pope, and Henry must not expect any favour from his Holiness till Cranmer's sentence was annulled.[2]

The Pope at once issued a Brief reciting the former one, of January the 2nd, 1531, which forbade all persons to give sentence in the case while it was pending before himself, and declaring that Cranmer and all others who had co-operated with him at Dunstable had incurred the excommunication therein threatened.[3] On the 11th of July he gave sentence against Henry, declaring his so-called divorce from Katherine and his pretended union with Anne null and void, and pronouncing that he had incurred the greater excommunication, but suspending the declaration of it till the end of September.[4] This sentence was not issued in writing till the 5th of August.[5] The period of grace was afterwards

[1] Gairdner, *Calendar*, vi. p. 293. (Benet to Henry VIII., June 14, 1533.)
[2] Ibid., p. 571. (Gardiner to Henry VIII.)
[3] Pocock, *Records*, ii. p. 505.
[4] Gairdner, *Calendar*, vi. p. 357.
[5] Ibid., p. 409.

extended till October, when the meeting with Francis was deferred till that time.[1]

Henry's uniform language and conduct for the last six years left no room for reasonable doubt as to the spirit in which he would meet the Pope's action against him. As late as the preceding February he had ordered his ambassador to tell his Holiness that he knew what a Pope should and might do, and would treat him accordingly, and to warn him to act with caution, considering the great danger he was in. He was also to remind him that he was "St. Peter's successor, a fisher, who when he draweth his net too fast and too hard, then he breaketh it, and pulling it softly taketh fish good plenty. Princes are great fishes, and must be handled with policy, and the King was not to be vexed with the excessive pre-eminence of the Pope's authority."[2] When such had been Henry's defiant temper before his revolt from the Church, it was not to be expected that he should draw back after he had taken the decisive step, while he was actually beginning to taste the sweets of ecclesiastical supremacy and despotic sovereignty, and was looking forward, exultingly, to the birth of the male heir whom astrologers and physicians confidently promised him.[3]

[1] Gairdner, *Calendar*, vi. p. 532.
[2] Ibid., p. 86. (Henry VIII. to Benet.) [3] Ibid., p. 451.

In anticipation of the Pope's action against him, he privately made an appeal from his authority to a General Council, before the Archbishop of York, on the 29th of June.[1] On the 9th of July he gave his assent to the bill depriving the Pope of annates, which had been passed by Parliament the preceding year, and was only awaiting his consent to come into operation.[2] He seized the revenues of the bishoprics of Salisbury and Worcester, which he had formerly assigned to Campeggio and Ghinucci, as a reward for their services in Rome.[3]

In accordance with his promise at Calais to assist either in person or by proxy at the meeting between Francis and the Pope, he sent the Duke of Norfolk to France on the 28th of May.[4] But the Duke was ordered to dissuade Francis from the interview on the ground that he was insulted by the Pope's frequent delays, and that it was beneath his dignity to be at the beck and call of the Pope and the cardinals, especially as there seemed no urgent cause for the meeting beyond benefit to the Pope and the Emperor. As for himself, Henry declared he knew the justice of his cause, and as he had the consent of his nobles and commons, he cared not for anything the Pope might do against him.[5]

[1] Gairdner, *Calendar*, vi. p. 320.
[2] Ibid., p. 351.
[3] Ibid., p. 451.
[4] Ibid., p. 243.
[5] Ibid., p. 290.

He even went so far as to make very advantageous offers to Francis if he would throw off his obedience to the Pope and set up an independent patriarchate in his own dominions. So great was the violence of his language that the Duke felt himself bound to apologise for his passionate conduct, protesting that he himself had advised him, but in vain, to continue the payment of annates to the Pope.

When the Duke left England the meeting was expected to take place in July, but on meeting Francis at Villeneuve in Auvergne, he found it was deferred till August. It was therefore arranged that he and his companions should go to Lyons, whence they were to go later to join Francis at Avignon and accompany him to Nice. But while they were at Lyons a courier arrived from Rome on his way to England and informed them of the Bull of excommunication that had been issued by the Pope. The Duke was so astonished that he nearly fainted. Du Bellay, formerly Bishop of Bayonne and then Bishop of Paris, urged him and his companions strongly to go on to the meeting, where the sentence, which he supposed had been given for contumacy, could be easily cancelled. But they said that after their master had received such an affront from the Pope, it would not be honourable for them to appear before the Pope as suppliants, and that their lives would be in danger

if they did so. They consented, however, to go on to Montpelier to take leave of Francis, while Rochford went back to England to ask Henry's orders.[1] Henry, on receiving the news, had at once instructed his ambassadors to leave both France and Rome, and Rochford brought back only the most grievous complaints from Henry, and renewed entreaties to Francis to join him in his revolt from the Holy See. The Duke, therefore, hurried back to England post haste, lest in his absence the enemies of the Church, who surrounded Henry, should persuade him to take some irrevocable step which he and others of the principal nobles were most anxious to prevent. The King, however, gave leave to Sir Francis Brian and Sir John Wallop to go to the meeting, provided they never presented themselves to the Pope,[2] and later he was persuaded to send Gardiner thither as his ordinary ambassador.[3]

Traditional loyalty to Christ's Vicar, and the national devotion of well-nigh thirty generations to St. Peter's Chair, could not be thrown off at will. Henry was therefore for a time depressed when he found himself actually excommunicated and cut off from the Catholic Church. But his legal advisers consoled him by insisting on the great

[1] Gairdner, *Calendar*, vi. p. 636.
[2] Ibid., p. 414. [3] Ibid., pp. 452, 636.

wrong that had been done him, and pointing out that the annulling of the second marriage did not confirm the first, and that his appeal to a general Council protected him from the Pope's censures. The Duke of Norfolk also, probably in order to remove the suspicions which were supposed to have had a share in his recall,[1] wrote to him from France that he ought not to "care a button" about the sentence, and suggested that his safest course would be to summon back from abroad his subjects, with their goods, and rely on the sword for defending his rights.[2] Henry was struck with this advice, and frequently referred to it in conversation. But he took no steps to carry it out, because his thoughts were at this moment engrossed with the joyful expectation of the birth of the long-desired male heir.

He had accepted the words of the astrologers and physicians with implicit faith, as if they had been a revelation from heaven. He took from his treasures a costly state bed which had been given for the ransom of the Duc d'Alençon,[3] and presented it to Anne.[4] At her request, he asked

[1] Gairdner, *Calendar*, vi. p. 423. (Cifuentes to Charles V., August 14, 1533.)

[2] Ibid., p. 436. (Chapuys to Charles V., August 23, 1533.)

[3] The Duc d'Alençon was taken prisoner by the Duke of Bedford at Verneuil in 1427.

[4] Gairdner, *Calendar*, vi. p. 453. (Chapuys to Charles V., September 3, 1533.)

Katherine for a richly embroidered cloth she had brought from Spain to wrap her children in at baptism, as Anne would be glad to use it very soon. But Katherine answered, that it would not please God were she so ill-advised as to grant any favour in so horrible and abominable a case.[1] Great preparations were made for public rejoicings and jousts, to atone for the popular coolness and shortcomings after Anne's coronation.[2] The King of France was asked and consented to be godfather, and the boy's name was to be either Edward or Henry.[3]

Great then was the King's disappointment when on Sunday, September 7, 1533, Anne gave birth to a daughter. But the people were greatly rejoiced that it was not a son, for they insisted that the title of the Princess Mary, who was universally loved, remained untouched. Henry tried, however, to conceal his vexation by heaping honours on the new-born daughter whose birth was in truth so unwelcome. Her baptism was celebrated with extraordinary splendour on September the 10th, in the Observants' Church at Greenwich. Cranmer was godfather, and the old Duchess of Norfolk and

[1] Gairdner, *Calendar*, vi. p. 397. (Chapuys to Charles V.)
[2] Ibid., p. 453. (Same to the same.)
[3] Ibid., p. 475. (Francis I. to the Bailly of Troyes, September 17, 1533.)

the old Marchioness of Dorset were godmothers. After the baptism, the princess was confirmed by the archbishop, the Marchioness of Exeter being godmother. It was said that she was to be called Mary; but Henry forbade this irretrievable insult to his elder daughter, of whom he was very fond, and she was called Elizabeth after his mother.[1]

The King's attention having been called to the obstinacy of several of the Queen's servants, who persisted in giving her that title in obedience to her orders, he wrote on the 6th of October to Lord Mountjoy, her chamberlain, desiring him to repeat his commands to them to call her henceforth Princess-Dowager of Wales, and to send in the names of those who proved themselves disobedient subjects. The members of her Council and the officers of her household made no difficulty about obeying. But her chaplains, her ladies, and her private servants positively refused to do so, because they had been sworn to her as queen, and they said they could not see how the King could discharge their consciences. They were strengthened in this resolution by a letter from her proctor at Rome, declaring that the Pope had given sentence in her favour. Lord Mountjoy, too, seems to have shared their scruples, although he had not the courage to say so. He made every excuse for

[1] Gairdner, *Calendar*, vi. pp. 464, 465.

them, and refused to accuse them to the King. His present office was so distressing to him that he begged to be allowed to resign it, and serve his Majesty in any other position, however dangerous.[1]

But in spite of his efforts to throw off his disappointment, Henry felt it deeply. Shortly before her confinement Anne had been very angry because he had given her cause for jealousy by his attentions to a lady of the court. Whereupon he told her that she must shut her eyes and endure as well as her betters had done, remembering that it was in his power to humble her more than he had exalted her, and for two or three days he would not speak to her.[2] With most men angry words are the mere ebullition of passion, forgotten as soon as uttered. But Henry neither forgot nor forgave. After the birth of Elizabeth his passionate words took a more definite form. He told some of his intimate friends that if the King of France failed him, he would make peace with the Emperor by taking back Katherine and keeping Anne as his mistress, and it was supposed he had suggested, or even concluded such an agreement with the Emperor.[3]

[1] Gairdner, *Calendar*, vi. p. 512. (Mountjoy to Cromwell, October 10, 1533.)

[2] Ibid., p. 453. (Chapuys to Charles V.)

[3] Ibid., pp. 559, 637.

CHAPTER XXVIII.

THE APPEAL.

THE Pope arrived at Marseilles on the 11th of October 1533, and landed the next day in great state, accompanied by twelve or thirteen cardinals and thirty-two bishops. On the 13th, Francis had an audience with him in a public Consistory, and kissed his foot, whilst the Queen and the Dauphin did the same on the two following days.[1]

Francis refused to discuss his own private business till the Pope should give him a promise that he would do all he could *ex plenitudine potestatis* to satisfy Henry. It is difficult to conceive what scheme Francis had devised by which his Holiness could possibly grant Henry's requests even within the almost boundless limits of his power. The Pope, however, gave the promise, though most reluctantly. But, when the English ambassadors were called in to conclude the negotiation, it was found that they had no authority from Henry to act on his behalf. Francis was naturally

[1] Gairdner, *Calendar*, vi. pp. 518, 520.

greatly annoyed. But controlling himself, he entreated the Pope to suspend the negotiation till the return of a courier, whom he was about to despatch to England, to get the necessary powers.

Meanwhile, as the time of grace allowed to Henry before he incurred excommunication was soon to expire, Francis besought his Holiness to lengthen it by five or six months, on the plea that he and Henry were to meet in March, and should the present negotiation come to nothing, he hoped then to bring him to reason. The Pope accordingly, on All Saints' Eve, held a congregation of cardinals in his own room, and communicated to them Francis' request. He felt, indeed, that this prolongation would be injurious to Queen Katherine, but as Francis had urged the request very strongly, and as he was that king's guest, he proposed to prolong the term for one month, during which time the courier from England would have time to arrive. The Spanish cardinals opposed any delay, even for one month. But it was finally agreed to, the Pope promising at the same time not to grant a further respite.[1]

Before the end of the month, and indeed before the courier returned from England, the great cause was brought to an abrupt close by Henry himself.

[1] Gairdner, *Calendar*, pp. 559, 560, 570.

On one of the first days of November, Bonner, who had formerly been associated with Carne at Rome, arrived post haste from England. He was the bearer of Henry's appeal to a General Council, and he was ordered, through Gardiner, to present it, if possible, to the Pope in person. As an audience would certainly have been refused him had the object of his mission been known, he went on the 7th of November to the palace where the Pope was staying, and in spite of the denials of his attendants, forced his way into the Pope's presence. When he entered the room his Holiness was standing between Cardinal Medicis and the Cardinal of Lorraine, vested to go to the Consistory. Being very quick-sighted he at once noticed Bonner, who forthwith asked the Datary to tell his Holiness that he wished to speak to him. The Pope, supposing it was some private matter, dismissed the cardinals and called Bonner to a window. After paying his respects in the usual form, Bonner told him that he had been commanded to present Henry's appeal, but as the Pope had formerly been kind to him he apologised on the ground of his allegiance to his sovereign. The Pope shrugged his shoulders and said he was going to the Consistory, and could not wait to hear him then, but bade him return in the afternoon.

Bonner accordingly went in the afternoon, accom-

panied by Penyston, who had brought him the King's order to present the appeal, and whom he wished to have as a witness of what passed. He was kept waiting an hour and a half, while audience was given to several other persons with previous appointments. At length the Pope being at liberty turned to Bonner; but finding that he had brought a witness, he sent for Simonetta, Capisucchi, and the Datary. Then, "leaning in the window towards the west side," he turned to Bonner. After a few desultory remarks he spoke of the way in which the King of England treated him. In reply Bonner complained that, after all the kindness the King had shown his Holiness in times past, he had revoked the cause contrary to his promise, had refused to let it be examined in any place but Rome, and turning on the Pope the very condescendence to the King's own policy of delay, reproached him with keeping the suit so long in his own hands without passing judgment, and finally rejecting his excusator and giving sentence against him. The Pope answered that he would not have revoked the cause had not the Queen sworn she could not get justice in England, and his promise to the King was conditional, and as to the delay, it was owing to the King, who would not send a proxy. Bonner then handed to the Pope the King's appeal to a General Council, and his Holiness desired the

Datary to read it. As the reading proceeded, the Pope made observations expressing his displeasure and dissent. But when mention was made of the "Holy General Council, which was shortly to be held lawfully and in a fitting place, with the consent of Christian princes and all others whom it may concern," without any reference to the Pope,[1] he became very angry, and said, "Why, when I sent my nuncio last year to speak to him about this General Council, did the King give no answer to him, but referred him to the French king, at which time he could perceive I was very well disposed and spoke much for it? The thing so standing, now to speak of a General Council! O good Lord! But well! his commission and all other writings of his cannot but be welcome to me." Bonner thought that he used these last words to hide his anger and to make him think he did not care, but from the way he was constantly folding and unfolding his handkerchief, which it was said he never did unless he was very angry, Bonner was convinced he felt it deeply. At last he told the Datary to read on, and at various clauses he again expressed great anger, sometimes ironically. When the Datary had finished he asked Bonner what more he had. Whereupon Bonner repeated his protest, and presented Henry's "provocation,"

[1] Gairdner, *Calendar*, vi. p. 507.

which the Datary was ordered to read. Scarcely a single clause passed without rebuke. At one time his Holiness remarked that the King professed great respect for the Church, but had none for him. And when mention was made of a "public judgment," he started and said, "The public judgment of the Church was never had." But Simonetta said he supposed it referred to that archbishop who had made that good process while the cause was pending before his Holiness in Consistory. Whereupon the Pope said, "Ah! a worshipful process and judgment!"

The King of France was now announced, and the Pope hastened to meet him at the door. The King bowed very low, took off his cap, and continued uncovered for some time. He and the Pope remained in private conversation for three-quarters of an hour, sometimes laughing merrily. After Francis' departure, the Datary read the rest of the "provocation," the Pope interrupting him several times with his comments. Afterwards, Bonner handed in two other appeals, made by the King before the Bishop of Winchester. Finally, the Pope said it was a matter of so much weight that he must consult the cardinals in Consistory. Bonner wished to have the documents again to present to the cardinals. This his Holiness refused, but, on Bonner's insisting, said he should have an

answer to his petition as well as to the appeal after he had consulted the cardinals. Bonner then went away, his audience having lasted more than three hours.

Three days later, on Monday the 10th, the Pope gave Bonner the promised answer. He said that he had always wished to do the King justice, but that as to his appeal to a General Council it had been forbidden by a Constitution of Pope Pius, and he therefore rejected it as frivolous. He would do his best as in times past to promote the General Council, though formerly the King had not answered him, but had referred him to the French king. He added that the King of England had no authority to call a General Council, for that belonged to himself. "He refused to return Bonner's documents, saying that he would keep them safely, and that Bonner could have as many copies as he pleased from the Bishop of Winchester and those before whom the appeals were made."[1]

Francis was angry at the insult which had thus been offered to the Pope whilst in France as his guest, fearing also that he might think the English agents had acted with his consent, whereas they were there not to treat with the Pope, but to do as he commanded them. He spoke very strongly to

[1] Gairdner, *Calendar*, vi. pp. 566–568. (Bonner to Henry VIII. November 13, 1533.)

Gardiner, saying how ashamed he was when the Pope told him what sort of an appeal was being presented to him. He complained bitterly of Henry, who wished him to act on his behalf, but who, when he and his council had devised what to do, in reality did the very contrary. "As fast as I study to win the Pope," he said, "ye study to lose him, as appears in the intimation now made, which is to the worst purpose that could be devised. . . . You require a General Council, and that the Emperor desires, and I go about to bring the Pope from the Emperor and you to drive him to him. How can my brother call a Council alone? Ye have clearly marred all." And wringing his hands, he wished he had never meddled in that matter.[1]

The Pope now urged Francis to abandon Henry, who was an enemy to the Church and had behaved so badly to himself. Francis answered that he found it necessary to keep Henry as a friend, so that others might not have him, else he would play him a trick that would bring him to terms. Had he known the message that the ambassadors were bringing to the Pope, he would have advised them by no means to deliver it, as the King was thus destroying his own cause. He had already told him plainly that he would not help him against the Pope. He was surprised that King Henry had a

[1] Gairdner, *Calendar*, vi. p. 572. (Gardiner to Henry VIII.)

reputation for wisdom, for really he was acting as a madman, and was benefiting the Queen's cause by his conduct.[1]

Francis had already promised the Pope, through Cardinal Tournon, that he would tell Henry he could not keep his oath of friendship to him against the Church.[2] But now, notwithstanding his disgust at Henry's conduct, he sent him word that he would do anything if it concerned only life, and not faith or honour, for a friend who was imprinted in his heart like Henry, and would be ready to aid him if war was declared against him in consequence of the marriage, or the Papal censures.[3] Before the Pope's departure he earnestly besought his Holiness not to break finally with Henry. At last the Pope, seeing what danger there was of losing that kingdom entirely, and the little chance he had of recovering it by force, agreed that Francis should send, as if of his own accord, to complain to Henry of the outrage done to the Pope, and make such friendly remonstrances as he thought might bring the English king to reason. Meanwhile he promised on his part that he would not issue the greater excommunication till an answer from England should arrive.[4]

On the 12th of November, the day after he had

[1] Gairdner, *Calendar*, vi. p. 562. (Cifuentes to Charles V.)
[2] Ibid., p. 244. [3] Ibid., pp. 569, 571.
[4] Ibid., p. 638. (Du Bellay on England and the Pope.)

given his answer to Bonner, the Pope left Marseilles for Rome.[1] Francis at once hastened to send off an ambassador to England, as had been agreed on. He chose for this office Du Bellay, Bishop of Paris, brother to Cardinal Grammont, the Bishop of Tarbes. Du Bellay, when Bishop of Bayonne, had some years before been ambassador in England, and as he had been on very friendly terms with Henry and Anne, no better mediator could have been chosen. Before he could start, however, the Bailly of Troyes, who was returning from an English embassy, arrived, and reported that affairs in England were desperate, and that a final and irrevocable declaration of Parliament against the Pope was daily expected. Francis, therefore, perceiving the urgency of the case, persuaded Sir Francis Brain to set off post at once and stop proceedings till the arrival of the Bishop of Paris, who, as he gave him to understand, was bringing a satisfactory message.[2]

[1] Gairdner, *Calendar*, vi. p. 569. [2] Ibid., p. 638.

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CHAPTER XXIX.

THE SCHISM.

THE drama of the divorce was now well-nigh played out. Only the final steps remained to be taken by each party. The Bull of excommunication, declaring the sentence pronounced by the Pope on July the 11th, 1533, was published at Dunkirk on November the 19th, and at Bruges on the 21st.[1] It was delivered to Henry early in December by Cromwell, who had received it from Lord Lisle, Lord-Deputy of Calais.[2] Pride and passion had by this time so completely gained the mastery over the English king, that its only effect was to exasperate him further, and make him throw to the winds any lingering scruples against a final rupture with the Holy See. His only thought was how best to guard against the war which he apprehended would be its consequence.

Calais was revictualled. Dover castle was repaired. Ships were ordered to be fitted out and armed. But as they would not be ready to put to sea for twelve or thirteen months, and as in any case they

[1] Gairdner, *Calendar*, vi. p. 578. [2] Ibid., p. 614.

would not be a match for the Emperor's powerful navy, all exposed places on the coast were rapidly fortified. Gunners were hired, artillery was cast, and munitions of war were seen to and provided.[1] The fortifications on the Scotch border were strengthened, and spies were sent into that country to discover whether the King was contemplating a league with any foreign prince. A trusty person was also despatched to Ireland to conciliate the rebels and gain their support.

In order to avert any danger from the English popular indignation, which was known to be deep and wide-spread, Henry caused a violent declaration to be prepared in council for general circulation. In it the people were informed that the Bishop of Rome had no more authority in England than any other foreign bishop, and that the King had appealed to the next General Council from the "Usurper of God's laws, who calls himself Pope."[2]

The Bishop of London was ordered not to allow any one unwilling to maintain this to preach at St. Paul's Cross, and all the other bishops, the heads of religious houses, and General Superiors of the four orders of friars, were charged to cause their subjects to preach to the same effect. The Observants, in particular, were forbidden to occupy any pulpit

[1] Gairdner, *Calendar*, vi. pp. 600, 609, 611.
[2] *State Papers* (ed. 1849), vii. p. 529.

without undertaking to set forth the new teaching against the Pope.[1]

Such was the state of affairs in England when the news arrived that the Bishop of Paris was coming with a satisfactory message from the French king. Fearing that, if reasonable counsels were now allowed to prevail, their own position would be gravely compromised, those most interested, far from making an attempt to calm the King's passion, only strove to urge him into more desperate courses. Thus encouraged, Henry resolved to take an irrevocable step before the envoy from Francis should arrive.

The bishops were summoned to court, and ordered to procure from Convocation an act abolishing the Pope's authority in England. Not one of them, however, would consent to this violation of the oath of obedience taken at his consecration, and Archbishop Cranmer, already committed to the policy, alone promised to do what the King required in the matter.[2] Parliament might perhaps have been induced to pass the desired measure had not Henry determined, on the advice of Sir Francis Brian, to wait till the arrival of the Bishop of Paris.[3] The King would not, however, delay the publication of

[1] Gairdner, *Calendar*, vi. pp. 600, 601.

[2] Ibid., p. 612. (Chapuys to Charles V., December 9, 1533.) In the same letter Chapuys states "that the Council are no longer to call the Pope anything but Bishop of Rome."

[3] Ibid., p. 638. (Du Bellay on England and the Pope.)

a work in justification of his marriage with Anne, and against the authority of the "Bishop of Rome, by some called the Pope."[1]

The envoy from Francis arrived in London on Wednesday, 17th December 1533. He had been instructed to use every effort to bring about a reconciliation between the English king and the Pope, but to let it be known, should this be found to be impossible, that the French king would side with Henry if war was declared against him on account of his marriage with Anne, and the Papal sentence of excommunication. It had been arranged between the Pope and Francis that a proposal should be made to Henry for the removal of the case to Cambray or some other neutral place. But Henry peremptorily rejected the proposal.[2] The only concession he could be induced to make was, that if before Easter the Pope annulled the sentence against him without further process, he would not throw off his obedience to the Holy See, but if within that time the Pope did not do so, he would openly revolt from his obedience.[3] On parting, Henry showed in a characteristic way how completely the bishop's mission had failed, for he gave him only half the

[1] Gairdner, *Calendar*, vii. p. 1. (Articles devised by the King's Council, in justification of the marriage with Anne.)

[2] Ibid., p. 118. (Dr. Ortiz to Charles V., March 4, 1534.)

[3] Ibid., p. 634. (Castillon to Francis I., March 16, 1534.)

present that had been intended for him.[1] Well might the bishop say, on his return to Paris, that he had not been able to do anything in England.[2]

Scarcely had the bishop left the country when books in justification of Henry's marriage and appeal to a Council, or against the authority of the Pope and the Church, began to be published. These works were distinguished by their deficiency in talent, argument, and reasoning, the place of which was supplied by insulting and abusive language and the advocacy of extreme violence.[3]

Henry's intention, in publishing them, was to justify himself with his subjects and gain their favour. But they had really the opposite effect, for all knew that they were prompted by malice and a desire for revenge. They only added to the general irritation felt at the scandalous triumph of Anne, and the King's ill-treatment of Queen Katherine and her daughter. Some even said openly they were only watching for a favourable opportunity to make a move on their behalf.[4]

Henry now sent ambassadors to the Dukes of Bavaria, and into Saxony and Prussia, to the King of Poland, the Landgrave of Hesse, and to all the

[1] Gairdner, *Calendar*, vii. p. 7.
[2] Ibid., p. 134. (Cifuentes to Charles V., March 10, 1534.)
[3] Ibid., p. 128. (Chapuys to Charles V., March 17, 1534.)
[4] Ibid., pp. 7, 8, 62.

other princes and towns that had a leaning to Lutheranism, expressing sympathy with their zeal for the extirpation of religious errors, and asking them to unite with the English king in reducing the Pope's power within due bounds. But while he thus forgot his position as one of the great powers of Europe by begging for the support of his inferiors, he feared with good reason that they might accuse him of having created a scandal in Christendom by not observing the usual forms of justice. He therefore condescended still further to repeat at full length, with the coarsest details, the history of all his supposed personal wrongs and his acts in self-defence, winding up this strange tale with the assertion that he had married a lady of "approved and excellent virtues." He further descanted on Anne's purity of life, "her soberness, her chasteness, her meekness, her wisdom, her descent of right noble and high parentage, with other infinite good qualities as cannot but be most acceptable unto Almighty God and deserve His high grace and favour."[1]

Henry hoped for assistance also from the Venetians and some Italian princes, who were thought to be only waiting to see the turn affairs would take. It was also at the time expected that the Turks were about to make a descent on Sicily,

[1] Gairdner, *Calendar*, vi. p. 456.

in which case the Emperor's troops being wanted to resist them, the Pope would be left entirely in the power of his allies, while he himself would be left in peace.[1] To carry out this bold plan, it was essential to have the King of France at the head of the league. On him Henry reckoned confidently. He was therefore much disconcerted when Francis told Gardiner, that the King of England might be sure of his favour and assistance in all that did not touch his honour and conscience. This however it would do, were he to act against the authority of the Holy See, which he was obliged to defend by the command of God, and the promises he had made to the Pope.[2]

It was, however, in Parliament that the great blow was to be struck. Immediately after his marriage to Anne, Henry had confirmed by letters patent the Act of 1532, which abolished the payment of annates, or first-fruits, to the Pope, and provided for the exercise of ecclesiastical jurisdiction by the King. An Act passed in 1533, forbidding appeals to Rome, had virtually put an end to the Pope's authority in England. But still further measures were required to define how final appeal was henceforth to be made to the King, and how ecclesiastical jurisdiction under the royal supremacy

[1] Gairdner, *Calendar*, vi. p. 607.
[2] Ibid., pp. 7, 10, 21, 52, 56, 69.

was to be exercised. Parliament met on 15th January 1534. On the same day bills were brought into the House of Commons to give the force of statutes of the realm to the above measures, and to authorise the King to appoint thirty-two persons to examine the existing canons and ecclesiastical constitutions.[1]

Every expedient was adopted to gain the chief members. The Bishop of Norwich, who was blind and nearly ninety years of age, was arrested and condemned by a lay judge to a *præmunire*, because two years before he had condemned Bilney as a heretic without waiting for the King's order, which had, however, arrived before the execution. The real reason, however, was that Bilney was a friend of Cranmer's, and that the bishop was reputed to be enormously rich. A month later, when his supposed wealth was not to be found and his innocence was proved, he was set at liberty after making the King a present of thirty thousand crowns.[2]

False reports, too, were spread with a view of influencing public opinion. Cromwell gave out that the Pope had said at Marseilles, that if the King had only sent a proxy the sentence on the divorce would have been in his favour; and that there was good reason to hope that His Holiness even now, from

[1] Gairdner, *Calendar*, vi. p. 25; Wilkins, *Concilia*, iii. p. 770.
[2] Ibid., pp. 70, 128. (Chapuys to Charles V.)

fear and at the request of the King of France, would grant his demands.[1] Henry declared that a book had been written in Spain against his Holiness, and that the Emperor wished to make a new Pope.[2] Cromwell said that the King of France had also discovered the Pope's wickedness, and would do much against him. He advised a friend of his to remove quickly any property he had in Rome, for the King and his allies would destroy the city.[3]

In the early part of February the bills against the Church were passed in the Commons, and sent up to the Lords. Here opposition to the measures was expected to be much greater than in the Commons. Many who had not opposed the divorce were greatly irritated at all that was being done against the Pope. Men of judgment, whether at the Court or elsewhere, were dismayed. Sir John Gage, the Vice-Chamberlain and one of the Council, resigned his office and went to a Carthusian monastery, professing his intention, if his wife consented, to join the order. The Bishop of Lincoln often said that he would rather be the poorest man in the world than ever have been the King's Confessor and Councillor. The King countermanded the attendance of the Archbishop of York, of the

[1] Gairdner, *Calendar*, vi. p. 45. (Chapuys to Charles V., January 28, 1534.)
[2] Ibid., p. 70.
[3] Ibid. Cf. p. 128.

Bishops of Durham and Rochester, of Lord Darcy, and of many others who he thought would oppose him, and he depended on intrigues, promises, and threats to carry his point with the rest. Unhappily he could reckon confidently on the nobles by working on their avarice and fears. On the one hand promises of benefices hereafter to be given to laymen, and of the prospective spoils of the monasteries, were lavishly made. On the other, the fate of Buckingham, condemned unanimously by eighteen peers, who were convinced of his innocence and shared in the offence for which he was arraigned, plainly taught each individual noble that he must singly confront the King's anger and despotic power, and must be prepared either to obey or to die. The Duke of Norfolk was one of the first to set the example of submission. He had told the French ambassador that neither he nor his friends would consent to renounce the Pope's authority. The King heard of this and sent for him to Court, where for a time he was in great difficulties. He seems to have made his peace by writing to inform the Grand-Master Montmorency, that he and the other nobles and the common people had been convinced by unanswerable arguments that the Pope had no more authority outside the diocese of Rome than any other bishop.[1]

[1] Gairdner, *Calendar*, vi. pp. 8, 42, 47, 128.

Henry, however, was not in a hurry to carry the measures against the Pope through Parliament. He delayed doing so till he should hear from the Bishop of Paris, whom Francis had sent to Rome to press on his Holiness the arrangement, to which he had got Henry's consent when he was in England.[1]

[1] Gairdner, *Calendar*, vi. pp. 45, 69.

CHAPTER XXXIII.

THE SENTENCE.

THE Pope, on his return to Rome, at once began to take steps for the conclusion of Henry's great affair. Two lines of action were open to him. He might either excommunicate Henry, deprive him of his kingdom and release his subjects from their allegiance, for contempt of the authority of the Holy See, for suing for a divorce in the Archbishop of Canterbury's Court, and marrying Anne whilst his cause was pending before the Papal tribunal; or he might simply pronounce sentence on the validity of Henry's marriage with Katherine, which had been submitted to him six years before.

He would have preferred the former course if he could have been assured that the Emperor would execute the sentence.[1] But the Spanish ambassadors, as usual, could not be induced to give any decided pledge of their master's intention.[2] In point of fact, the Emperor did not wish this extreme

[1] Gairdner, *Calendar*, vi. p. 17. (Cifuentes to Charles V., January 12, 1534.)

[2] Ibid., and pp. 37, 130, 134.

measure to be adopted, not only because he dreaded the discontent of his Flemish subjects if their trade with England was interrupted, but also because at this moment he was unable to interfere.

It happened that it was at the time of considerable importance that he should if possible detach Henry from alliance with France; and Katherine's frequent messages to him not on any account to make war for her cause, as she would rather die than be the cause of bloodshed,[1] gave him a plausible excuse for his avowed reluctance to undertake the execution of the Papal sentence. He even expressed his willingness to consent to the suspension of the sentence either during Henry's life, till a future council, or for any other period.[2]

The Pope, of course, penetrated the true meaning of the Emperor's reluctance, and consequently, in spite of the hopes vaguely expressed by the Spanish agents that an alliance between the Emperor and the King of France against England might be brought about, he was convinced that in any extremity the Emperor would probably take Henry's part, and in the end leave Francis and himself in the lurch.[3] Under these circumstances he had no

[1] Gairdner, *Calendar*, vi. p. 7. (Chapuys to Charles V., January 3, 1534.)
[2] Ibid., pp. 89, 90. (The Emperor's Policy, February 25, 1534.)
[3] Ibid., p. 382. (Cifuentes to Charles V., July 21, 1534.)

choice but to give sentence on the original cause as to the validity of Katherine's marriage. The Spanish ambassadors now wished to hurry on the sentence without going through the usual forms, but it was decided in Consistory that this could not be granted.[1] Some delay, however, was unavoidable, because Capisucchi, Dean of the Rota, who had hitherto conducted the case, was now at Avignon, where he was likely to be detained through the winter. Simonetta was therefore appointed to draw up a formal report to be laid before the Consistory, and though time was thus unavoidably lost, he worked hard to have the report ready by the first or second week in Lent,[2] which this year (1534) began on the 18th of February.

The Pope was not sorry for the delay, because he was hoping daily to hear that the Bishop of Paris had succeeded in softening Henry during his late visit to England. The bishop was detained on the road by illness, and did not arrive in Rome till the beginning of February. He at once reported to the Pope what had passed between himself and the King, at the same time expressing his own conviction that Henry would never return to Katherine, and would throw off his obedience to the Church. He said that Henry was negotiating with the German princes to turn Lutheran and place himself at

[1] Gairdner, *Calendar*, vi. p. 17. [2] Ibid., pp. 18, 37, 74.

the head of their sect, and that unless the Pope decided the case quickly in Henry's favour, not only England, but other countries would be lost to the Church. He tried to spread a report that the Pope's censures had been treated with disrespect by the Flemings, and that the Briefs had been torn down from the doors where they had been fixed, and had been trampled in the mud. But the Spanish ambassadors disproved this by a letter from the Queen Regent, and by the arrest of some Englishmen in Flanders, who were believed to have committed the above outrage at night.

On the 6th of February the bishop repeated before the Consistory what he had said about the desperate state of affairs in England, and strongly urged the Pope and cardinals to find some honourable means of averting the danger which threatened the Church. The Pope answered that he had only delayed justice in hopes of finding some such way, and that if the King of France had thought of any plan, he should at once place it before them. As for himself he knew of none, and he could not delay justice any longer.[1] The bishop had intended to alarm the Consistory and lead them to conciliate Henry. But his words had the contrary effect on the cardinals, most of whom, on hearing of Henry's

[1] Gairdner, *Calendar*, vi. pp. 73–76. (Cifuentes and Dr. Ortiz to Charles V.) Cf. p. 629.

violent conduct, were eager to proceed at once to strong measures against him. The Spanish ambassador also urged the Pope to act without delay, as it would be easier to do so while Henry stood alone without his subjects, whereas delay would only increase the King's authority with other countries, which would see that no steps were taken against him. He besought the Pope not to believe what the Bishop of Paris said, and represented that though Francis had promised not to hinder the cause of justice, he had done so indirectly, by sending the bishop with the object, not of devising any settlement, but of hindering it. The Pope, however, in a truly judicial spirit, declared that he must listen to every one, and that nothing was lost by it, as the cardinals were determined to give a sentence in the principal cause. He stood firm amidst the contending opinions of both parties, and would not consent to be hurried into extreme measures before the cause was regularly brought to a conclusion in the Consistory.

The Bishop of Paris, meanwhile, lost no time in pressing his secret negotiation with the Pope. He foresaw that if Henry broke off from the Church, his master, to whom Henry's alliance was indispensable, could scarcely remain friends with both England and the Pope. His only object, therefore, was to obtain delay, which he thought he could

induce the Pope to grant. The scheme he devised was a masterpiece of duplicity well worthy of being the concluding act in transactions which, throughout their whole course, had been characterised by falsehood and fraud. It is not known what arguments he used with the Pope, but doubtless he gave hopes of Henry's repentance, which he must have known to be false, and by this means he persuaded his Holiness to consent to send a Cardinal with two assessors to Cambrai to take cognisance of the matter, but without power to give a definitive sentence. On what terms the Cardinal was to be sent is not known, but there is no doubt that the Pope did not in any way compromise the dignity of the Church, because the bishop told Châtillon, the French ambassador in England, that his conditions were "a little hard." Something about reparation, too, seems to have been included in them, for the bishop undertook to "correct all that."

Having thus cajoled the Pope, as he hoped, he turned to play a similar game with Henry. On February the 22nd he wrote to Châtillon ordering him not to communicate to Henry the memorandum of what the Pope had granted him, which was "a little hard." Nor was Henry to be allowed to stick at words of "reparation or the like," which the bishop would correct. Châtillon was only to tell him that his Holiness was willing to send the Cardinal and

assessors to Cambrai to take cognisance of the matter, short of the definitive sentence, and Henry was to be induced to answer, that out of regard for Francis he was willing to see what these delegates would say, and would send some one to Cambrai to examine their powers, whereupon he could do as he thought fit. Châtillon was to point out to him that these delegates could not do him harm, because in the first place they would not have power to give a sentence, and in the second, he would not have sent a proxy, but only an excusator. While they were on their way from Rome to Cambrai, care would be taken to secure in the Consistory a sentence such as Henry and the bishop desired, which would leave the validity of Pope Julius' dispensation still doubtful.[1] It would be afterwards easy to enlarge their powers so as to enable them to give the definitive sentence. The bishop wished to know what judges Henry would prefer, and whether he was to propose that one of them should be named by Henry, another by the Queen or the Emperor, and a third by Francis; or some other expedient, without committing himself to accept anything. He need only send the excusator, and leave the bishop to do the rest. The bishop further proposed that Henry should secure his interests in Parliament by com-

[1] Gairdner, *Calendar*, vii. p. 633.

municating to the members what he meant to do, take their opinions, signed and sealed if necessary, and then, before arriving at any decision, prorogue the Parliament till Easter. He would thus remain at liberty to act or not as he chose, and while he could lose nothing, he could not fail to gain.[1]

Two days later the bishop wrote to Francis that since his last despatch he had succeeded in persuading the Pope to grant the suspension of the censures while the judges proceeded in the matter, if the foregoing plan was adopted. This, he said, ought to be added to the proposals already sent to Henry, and Francis might safely promise to get him out of all his difficulties, in spite of all the world, if matters were conducted in the way he proposed.[2]

Châtillon received the two foregoing letters on Monday, March the 2nd. He at once communicated the hope held out by the bishop to Henry, who seemed well disposed to adopt the bishop's proposal. The following day Châtillon was summoned to lay the matter before the Council. Most of those who were present were greatly opposed to the Pope, and did all they could to prevent Henry's consenting to the arrangement, saying that he had no cause to put

[1] Gairdner, *Calendar*, vii. pp. 630, 631. (Du Bellay to Castillon, February 22, 1534.)

[2] Ibid., p. 632.

himself in such subjection. Henry, too, had cooled down from what he had said the day before, and all Châtillon's arguments were useless in bringing the negotiation to a successful issue. After the Council broke up, however, Henry took Châtillon to a garden and gave his personal consent to the proposal, but told him to keep it secret, apparently, as Châtillon thought, because he did not like people to believe he had granted the request so suddenly. He was willing to send an excusator, though pretending not to send him expressly, for fear of being bound to the Pope's jurisdiction and seeming to renounce that of Canterbury, under which his marriage with Anne had been made. But he declared plainly that he would not hereafter allow such large sums as hitherto to be sent to Rome. He was also willing to prorogue the Parliament till after Easter, and to delay the publication of his separation from the Holy See, if, in the meantime, the Pope would grant his demands —*i.e.*, annul the excommunication and confirm his marriage with Anne. In consenting to these points, he thought he had made great concessions out of friendship to the King of France, and it was impossible to get better terms from him. So desperate did Castillon consider the state of affairs that he wrote to Francis, that he saw no help unless his Holiness would "use mercy more than justice, and thereby restore a king and country, which was on the

point of being lost and becoming his perpetual enemy."[1]

The bishop, however, took a brighter view of matters. He knew that his Holiness was as anxious as himself to find Henry's marriage good. He witnessed his great sufferings as each post from England brought news of fresh outrages, of fresh insults to himself personally, and of preparations for fresh acts of violence to the Church. He noticed that his Holiness was getting quite out of heart, because the more he set himself to do right the more he was defamed and satirised.[2] Hence he argued that the Holy Father was giving way, and he had not the least fear of not bringing the matter to a good conclusion. It never crossed his mind that the Vicar of Christ could see things in a spiritual light, or in any other aspect than the political one which engrossed himself. He had not noted that all through the long-drawn course of this affair the thought of schism had been the Pope's tender point, the least hint of which had always quite unnerved him. He could not therefore appreciate the Holy Father's agony now that schism was close at hand, and duty compelled him to take a step which inevitably would cause it.

The bishop had yet another ground on which, even if everything went wrong in England, he

[1] Gairdner, *Calendar*, vii. pp. 632, 634.
[2] Ibid., pp. 631, 633. (Du Bellay to Castillon.)

rested confidently to secure a triumph in Rome. Presents and promises had been judiciously distributed among the cardinals. Words of courtesy had been interpreted as pledges of support in the Consistory. Votes had been counted, and Raince, the French agent in Rome, sent the Grand Master a list of those on whom they could rely.[1] Exulting in the great obligation under which his master would place the King of England by the success his ambassadors would achieve, "contrary to every one's belief and in spite of the whole world," he urged the necessity for keeping their secret and spreading the report that they despaired of their case.

Meanwhile the cause before the Pope's tribunal was taking its course. His Holiness had not been deceived, as the Bishop of Paris had flattered himself. He had granted the bishop's requests because he could not finally close the door against any one who might yet possibly be induced to return to obedience. But he really no longer cherished any hope of Henry's repentance. A higher duty even than that of preventing a rent in the Church's seamless garment, now imperatively demanded his care. He must hand down to succeeding ages the deposit of faith and morals whole and incorrupt, which had been committed to his charge. Doubts had been thrown on the vital

[1] Gairdner, *Calendar*, vii. p. 86.

laws of marriage and on the power of the Pope. On these fundamental points no shade of uncertainty must longer be allowed to rest. Turning away his thoughts from political considerations, and putting aside his own agonised feelings at the approach of schism, as well as his natural reluctance to cut off from the spiritual vine as a dead branch, one to whom he had long been closely united by ties of affection and gratitude, he calmly and firmly devoted himself to his painful task of giving sentence on the validity of Katherine's marriage and of Pope Julius' dispensation.

On February the 27th, which was Friday in the first week of Lent, Simonetta laid before the Consistory a clear and brief report of all the proceedings before the Rota.[1] On the following Wednesday, March the 4th, the first point was discussed. Dr. Ortiz, Katherine's agent, had feared that perchance doubts about the process might be raised and the cause again delayed.[2] But at his solicitation the subject now taken in hand was the only one really worth discussing, namely whether marriage with a brother's widow had ever been forbidden by natural or divine law. The preceding year it had been decided in Consistory that such a marriage was not prohibited by divine law. Some of the

[1] Gairdner, *Calendar*, vii. p. 117.
[2] Ibid. (Dr. Ortiz to Charles V.)

cardinals objected to the question being now re-opened, saying that it was an insult to the formal decision of the Consistory, while others raised certain doubts on the subject.[1] On the following Monday, March the 9th, the Pope desired the Queen's lawyers to satisfy the cardinals on these points, and he ordered all the cardinals to come prepared to give sentence on Monday, March the 23rd, which was Monday in Passion Week.

Still doubts were entertained whether the Pope would give a final sentence. Formerly the sentence had been deferred on the pretext that the King of England might return to obedience, and now it was said there was no need of a sentence, because it could do no good. The Bishop of Paris and his brother, the Sieur de Langey, made much of the pretended votes of the Universities in Henry's favour, and strained every nerve to persuade the Pope to delay the sentence. The difficulties were so great that the Spanish ambassador had no hope of success.

On Monday, March the 23rd, twenty-two cardinals met in secret Consistory. The discussion lasted for above six hours. Campeggio said that as the marriage had been forbidden, not by natural or divine law, but by the law of the Church, from which the Church, represented by the Pope, could

[1] Gairdner, *Calendar*, vii. pp. 118, 153.
[2] Ibid., and p. 134. [3] Ibid., p. 153.

dispense as every one agreed, he had always been certain that Katherine was in the right. Cardinals Sanctiquattro, Farnese, Cajetan, and several others exerted themselves for Katherine, even all the cardinals, who were supposed to be in the French interest, not excepting the Cardinal Trivulzio, declared openly in her favour, and finally the Pope, with the unanimous consent of all the cardinals who were present, gave sentence that Katherine's marriage with Henry was valid, and the issue thereof legitimate. Henry was ordered to take back Katherine as his wife, and to pay the costs of the suit.[1]

Great was the dismay of the Bishop of Paris and his friends. They insisted that the Pope had been taken by surprise at the unanimous vote of the cardinals, and that he and all of them were now ashamed of themselves. They persuaded themselves that his Holiness was bent on undoing what he had been led to do inadvertently in a moment of excitement, and had spent the following night in consultation how to remedy the effects of his own act. But the only concession the bishop could obtain was that the sentence should not be published till after Easter. His sole consolation was the thought that the world would hereafter confess that his master had endeavoured to prevent

[1] Gairdner, *Calendar*, vii. pp. 150, 153, 635.

one of the greatest troubles that had happened for a long time to the Church, and perhaps to all Christendom.[1]

But even now the bishop tried to cover his failure by a falsehood. Five days after the sentence was given, happening to meet Cifuentes, the Spanish ambassador, he told him that it had been given most inopportunely, as within four hours after a courier brought a letter from Henry saying he would renounce his sin and submit to the Church on condition the case was tried at Cambrai. Cifuentes replied that he believed what the bishop said had been written, but that it was only intended to delay the sentence. If the King wished to return to his obedience he could have done so much better when the Pope was at Marseilles, and he marvelled that the bishop could effect by a letter, what he could not do by his presence when in England, in a case in which the Pope could not accept any conditional submission. The bishop answered that then the King did not understand the case, but that now the Holy Spirit had enlightened him. Cifuentes retorted sharply, if it was the Holy Spirit that moved him, he could do it better now, since the sentence had been given.[2]

[1] Gairdner, *Calendar*, vii. p. 151. (Bishops of Paris and Mâcon to Francis I.)

[2] Ibid., p. 180. (Cifuentes to Charles V., April 2, 1534.)

On March the 25th, two days after the sentence had been given, Henry, who had not been in haste to carry out the arrangement with the Bishop of Paris, sent off Dr. Carne and Dr. Revett to Rome to act as his excusators if required. But a report was spread that they were going for their own affairs, and not for those of the King.[1]

On the same day the bills against the Pope and the authority of the Holy See were passed by a majority of the nobles and clergy, in consequence of the threats and intrigues of the King, and to the great regret of all good men. But Henry, in accordance with the Bishop of Paris's suggestion, gave his consent to them only conditionally, in case between that time and Midsummer he might wish to annul them in whole or in part.[2]

Before a week had elapsed, on the 3rd April, which was Easter Eve, the Sieur de la Pommeraye arrived from France in the greatest possible haste, and without speaking to the French ambassador or any one else, went immediately to the Court, where he remained three or four hours. Great curiosity was excited by this unusual haste.[3] But the report soon spread that he had brought the news of the sentence at Rome.[4] Henry affected to receive it

[1] Gairdner, *Calendar*, vii. p. 155. (Chapuys to Charles V., March 25, 1534.)
[2] Ibid., pp. 155, 182. [3] Ibid., p. 182. [4] Ibid., pp. 191, 192.

with perfect indifference, and to be in great spirits. It was, however, evident his mind was not at rest, for he and Anne did not dine in public, as was customary at Easter. On Easter Monday he ordered that the statutes, to which his consent had been suspended till Midsummer, should be immediately published. He also commanded the preachers appointed for Easter to say the worst they possibly could against the Pope, and he was perfectly obeyed. He hastened the repairs of his ships; he also sent Rochford and Fitzwilliam to France to arrange for an interview with the King at Whitsuntide, and Fitzwilliam gave out that ere long great things would be seen. It was generally reported that Henry was thinking of how to bring about war with the Emperor at once, even at the expense of all he had, fearing that otherwise the game might be played on his own board by the Emperor's invasion of England.[1] It has already been seen that there was no ground for these fears.

Carne and Revett arrived on the 6th of April at Bologna, where they met the Bishop of Paris on his journey homeward. They were not a littte amazed to hear from him that their master's cause was finished, and that sentence had been given against him fifteen days before. They asked how this came to pass, as he had written that the Pope would be

[1] Gairdner, *Calendar*, vii. pp. 182, 191.

glad to grant the King's demands, not only in the principal cause, but also as to the appointment of an excusator. Whereupon he answered that the Imperialists had strengthened themselves so much that they forced the Pope to give sentence. On this they wisely remarked that they thought the Pope could have done otherwise, if he had wished. The bishop further told them the Imperialists were suing for the execution of the sentence, which he would warrant not to pass, and he advised them not to meddle in hindering the sentence, for if the King wrote to him he would make the Pope stop it. They feared, however, that if the Imperialists could obtain the sentence while the bishop was present, they might succeed in his absence in getting it executed. They asked for instructions as to whether they should go on to Rome or come back, remarking that if the Pope was as well disposed as the Bishop of Paris reported, he might admit them to prove the nullity of the sentence.[1]

On the 14th of April, Carne made a formal protest in the name of the King of England, against the illegality of the Pope's proceedings in the sentence lately promulgated by him, touching the King's marriage to Katherine. This he would have pronounced in the presence of the Pope himself, if he

[1] Gairdner, *Calendar*, vii. p. 184. (Carne and Revett to Henry VIII., April 7, 1534.)

could have obtained audience, but this being impossible, he pronounced it in the presence of Sir Andrew de Casale, Dr. Revett, and others.[1]

On the 25th of April, Carne and Revett sent Henry "a copy of an appeal by Carne as excusator, from the Bishop of Rome ill informed and in fear of the Imperialists, to the Bishop of Rome better informed and in more liberty." They said they had had an instrument made privily, so that the King might take advantage of it while yet nothing had been done in his name, and they suggested that it could not prejudice the King, if a copy were sent to the Bishop of Rome.[2]

Thus closed the great Divorce cause. Nearly seven years had elapsed since the first judicial proceedings were opened in Wolsey's court, and above six since the case was laid before the Pope. But during those long years, in spite of ever-varying incidents both political and personal, of wearisome negotiations, of tortuous intrigues, falsehood, and fraud, the avowed intentions of both Henry and the Pope underwent no change.

Before the case was submitted to the Pope, Wolsey warned Gregory de Casale what would be the result if Henry's demands were not granted. Henry's first letters to the Pope and Cardinal Sanctiquattro peremptorily confirmed this warning, while the coarse,

[1] Gairdner, *Calendar*, vii. p. 196. [2] Ibid., p. 216.

insolent threats of Gardiner and Fox at the same time took away all hopes and doubts that might yet have lingered in the Pope's mind. On the other hand, his Holiness at the very opening of the negotiations with Gardiner and Fox declared openly, as the principle of his future conduct, that he would give such a decision as they could reasonably desire, as would be consistent with law and equity, and his own and the King's honour, and from this promise to favour Henry whenever he could justly do so he never departed, while at the same time he never overstepped the limits of law and equity. Thus too his first decision a few days later, that on grounds of such doubtful justice and equity as those for which the divorce was demanded, he could not grant a common law binding hereafter on all the world, was but an epitome of his formal sentence in Consistory six years later.

The copious correspondence of Henry's agents shows that though the King was given the fullest opportunity of strengthening his case by further evidence on less dubious grounds, not a particle of such evidence was ever brought forward. It also proves that the delays in the court of justice were granted solely in deference to Henry's wishes, and were in no way attributable to any irresolution or fear of the Emperor on the Pope's part. In fact, Henry's agents found it convenient to excuse

their own failures, by charging the Pope with irresolution whenever he gently and firmly refused to come to a resolution in accordance with their wishes. As to his dread of the Emperor, he really had no cause for fear. Charles had learned the lesson which is written on every page of the Church's history, that her power, being spiritual, eludes the grasp of physical force, and he was not likely to repeat the mistake committed by his generals, of offering to her head insults and violence which could only strengthen the arms of his own enemies. Thus, Clement's personal position was now much stronger than it had been at the beginning of his reign. The fruit of his sufferings strikingly appears in the strong contrast between the conduct of the Spanish generals of his day, and the reverence of the Duke of Alva thirty years later, when Rome and the Pope, Paul IV., were once more at the mercy of the Spaniards. There can also be no doubt that Clement's gentleness, firmness, and patience amid such unprecedented sufferings, contributed to advance greatly the attitude of independence of all temporal powers, which the Church was now assuming, and which she has since maintained, and still maintains at the present day.

The Pope has been blamed, especially by Catholics, for not preventing the English Schism by more

prompt action against Henry. But any impartial reader who follows the history of the whole transaction, step by step, can scarcely fail to see that, in common justice and prudence no less than as Christ's Vicar, he could not have acted otherwise than as he did. Common justice forbade him to take any strong step till the inquiry before the legates' court, which Henry demanded, was closed. After it was closed, and Campeggio's informal judgment left no doubt as to what the final sentence must be, the only hope of averting the Schism was some unlikely change of fancy on Henry's part, or some providential interposition, such as the death of Anne, or of Katherine, or even of Henry himself.

THE END

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